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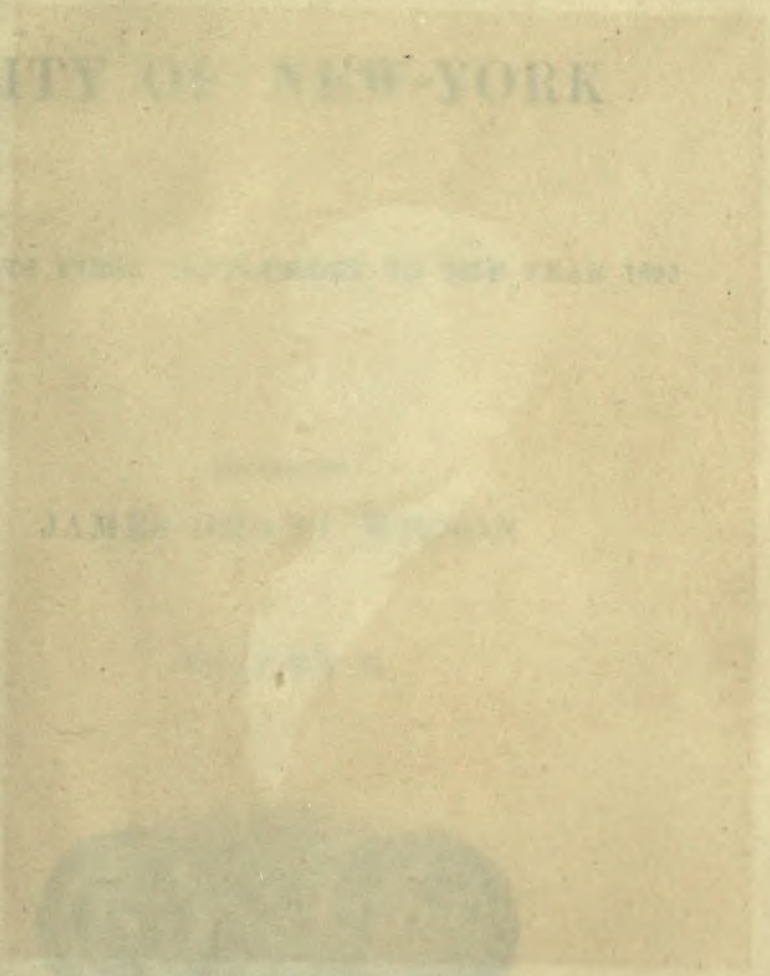
THE MEMORIAL HISTORY OF THE CITY OF NEW-YORK



THE

MEMORIAL HISTORY OF THE CITY OF NEW-YORK

FROM ITS FIRST SETTLEMENT TO THE YEAR 1892

EDITED BY

JAMES GRANT WILSON

VOLUME II

NEW-YORK HISTORY COMPANY

132 NASSAU STREET

1892

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To BENJAMIN HARRISON

PRESIDENT OF THE UNITED STATES

THIS VOLUME IS DEDICATED BY

HIS FRIEND THE EDITOR

Manna-hata, the handsomest and most pleasant country that man can behold. HENRY HUDSON.

The Island of New-York is the most beautiful island that I have ever seen. HESSIAN OFFICER, in "Stone's Revolutionary Letters," 1891.

She is a Mart of Nations. . . . The crowning city, whose merchants are princes, whose traffickers are the honorable of the earth. ISAIAH, xxiii.

History maketh a young man to be old, without either wrinkles or gray hairs, privileging him with the experience of age without either the infirmities or inconveniences thereof. THOMAS FULLER.

This is a great fault in a chronicler, to turn parasite: an absolute history should be in fear of none; neither should he write anything more than truth, for friendship, or else for hate, but keep himself equal and constant in all his discourses. SIMON N. H. LINGUET.

Industrious persons, by an exact and scrupulous diligence and observation, out of the monuments, names, words, proverbs, traditions, private recordes and evidences, fragments of stories, passages of bookes that concern not story, and the like, we doe save and recover somewhat from the deluge of Time. FRANCIS BACON.

They who make researches into Antiquity may be said to passe often through many dark lobbies and dusky places before they come to the *Aula lucis*, the great hall of light; they must repair to old Archives and peruse many molded and moth-eaten records, and so bring to light, as it were, out of darkness, to inform the present world what the former did, and make us see truth through our Ancestor's eyes. JAMES HOWELL.

I was surprised to find how few, if any, of my fellow-citizens were aware that New-York had ever been called New Amsterdam, or had heard of the names of its early Dutch governors, or cared a straw about their ancient Dutch progenitors. . . . A history to serve as a foundation, on which other historians may hereafter raise a noble superstructure, swelling in process of time, until Knickerbocker's New-York may be equally voluminous with Gibbon's Rome, or Hume and Smollett's England. WASHINGTON IRVING.

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CHAPTER I

THE EARL OF BELLOMONT AND THE SUPPRESSION OF PIRACY
1698–1701

THE administration of Richard, Earl of Bellomont, was a brief one, extending only from the 2d of April, 1698, when he arrived, to the 5th of March, 1701, when he died. Nevertheless it was one of mark, owing to his personal character, to the circumstances in which he was placed, and to what he endeavored to do. From almost the beginning, or so soon as his purposes revealed themselves, with scarcely a week's interval after his arrival, it was one of bitter opposition, personal attack, and struggle with contending elements. Probably nothing but the king's continued favor carried him through. But upon a man of sixty-two,—his age when he undertook the government,—a man afflicted with the gout, even yet that most defiant and painful disorder; one who sometimes worked from nine in the morning till ten at night, with scarcely time for meals, and amid a sea of worries, the effect was sure to show itself. The gout in the end conquered a robust constitution and caused his death, before his undertakings were in any way complete. Immersed as he was, during his whole administration, in affairs of such a nature, he might be likened to a stormy petrel, whose only rest is upon heaving waves, whose life is passed in perpetual battle with winds and storms, or with the resisting, struggling fish it pulls from the ocean, where each seemed intrenched and safe. The motions of this bird over the uneasy waters suggested Peter walking upon the Sea of Gennesareth, and hence its name. And Bellomont, had he yielded to Peter's fears, must, like him, have sunk.

As a further introduction to the main narrative, allusion may here be made to the difficulty of getting correct impressions concerning men and events of party times, and the necessity of collating and sifting authorities. The writers of such a period are apt to be more or less prejudiced, and to follow them as authorities is to perpetuate their prejudices. Montesquieu lays it down as a fundamental law of histor-

ical probability, that the representations of a triumphant party should always be distrusted. For the time being they usually furnish the writers, and the temptation, we may even say the necessity, is great to mutilate or distort—to misrepresent motives, to color or mutilate facts. The lens must be clear and properly placed, or its negatives will be distorted likenesses. Besides, what is sometimes unintentional will sometimes be intentional. "O, tell me not of history," said Sir Robert Walpole, "for that I know to be false!" He had seen the inside of things, had been at the fountain-head of events, knew their "secret history," and the tricks and falsehoods to which statesmen or the movers in politics betimes resort. Astute Queen Elizabeth first "tuned" the pulpits when she would tune the people to a measure. It gave to the measure an air of popular spontaneity, of being something asked for, which she would then graciously grant, to her greater popularity. Even gold coins require to be minted with alloy for public use; and statecraft consists largely in shrewdly mixing the real and the ostensible, the true and the false, for circulation. Amid these sources of error, how few historians have the discriminating skill with which Niebuhr picked his way through Roman history, or of a Neander in sacred history! How many are merely careless copyists of statements whose truth, and the motives for which, they have not thought of questioning. A few years before Bellomont's coming occurred the Leisler troubles; in fact, they are involved with his own history. During their continuance there appeared and was circulated "A Modest and Impartial Narrative of the Great Oppressions &c. of Jacob Leisler and his Accomplices," in 1690. Its dissembling title commended it, seemed to disarm suspicion, and it has more than once since its date been accepted as contemporaneous truth. But Jared Sparks indorsed upon his own copy: "Written by a violent enemy of Leisler; neither just, candid nor impartial." The larger histories in their march through many periods and scenes cannot fail, at times, to do injustice and wrong to individuals and events. Indeed, it is to a great

extent the work of later historians, as of second editions, to correct the errors of previous ones. There is an advantage in monographs; and yet, with all care, inaccuracies will creep in. Concerning Lord Bellomont, there is a monograph by Mr. Jacob B. Moore and another by Mr. Frederic De Peyster. But in the historical omnibus there is always room for one more, whose standpoint and contribution may be different.

In a sketch of Lord Bellomont it is quite necessary, in the first place, to obtain a knowledge of the man himself, his history and personal traits. A man's acts are judged as often by what we know or conceive him to be, as the man himself by his acts. George W. Schuyler, in his "Colonial History of New-York," describes him as proud and overbearing, haughty in his manners and unwilling to seek or take advice, except when it agreed with his own opinions. Hutchinson speaks of him as "a hypocrite in a pretended devotion to religion." On the other hand, Haliburton ("Rule and Misrule of the English in America") praises him as "a true specimen of a great liberal Governor." And Mrs. Lamb characterizes him as "a master of the art of politeness"; as having "a sound heart, honorable sympathies and an honest desire to do justice to the oppressed"; as having the most "conscientious motives"; but erring "chiefly in judgment," and in allowing "noble and praiseworthy impulses to carry him beyond the bounds of common prudence"—as a hasty man of "impulse rather than reason," one with whom "prejudice, not vanity, was his besetting sin." An opinion based in a measure, we may say, upon events in New-York, and to be tested by them. Palfrey, speaking of him principally as he appeared in New England, calls him "honorable, frank and sensitive," "genial and good-natured"; but "perhaps over-confident, perhaps not without arrogance"; "the sight of knavery enraged him"; a man, on the other hand, who could "not endure to be himself suspected of any indirection." Such are some of the opinions of writers as to Lord Bellomont—an executive, we may take it as conceded by the best, of high and honorable motives, whatever errors he may be supposed to have committed in judgment; one who certainly was no trimmer for popularity or favor, who shrank from nothing he considered his duty, too conscientious, honest, and frank to be a "hypocrite" in anything. He was neither a dissembler, concealing what he was; nor a hypocrite, feigning to be what he was not—too frank and high-toned to be a clever politician, if that were needed, among tricky men.

We should also take into the account, in interpreting the man, his personal appearance, his English breeding and tastes, and the position he occupied. He was in person almost an ideal nobleman, large of

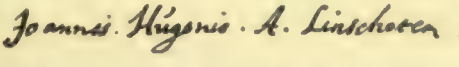
[1] The fac-similes of the autographs of Cornelius DeWitt, Linschoten, Plancius, and Van Meteren, which are included in this chapter, were received from Holland too late to accompany the portraits that appeared in the first volume. EDITOR.

frame, tall and dignified, with head well shaped and set, and hands small and white; with a usually thoughtful face, yet one capable of a sparkling vivacity; with eyes dark and kindly, and a voice low and musical. He could tell a story charmingly and enjoy a hearty laugh. In dress he was always elegant, and bore himself everywhere with ease and grace. In addition, he represented the king, and was himself a nobleman of rank; circumstances which, however liberal his tendencies, or however genial his ordinary demeanor, would be likely to flare out at times amid the difficult duties and collisions of his station, especially if he were suffering the irritating, pulsing pains of the gout. Lord Bellomont's grandfather, Sir Charles Coote, was a famous, and even merciless, fighter against the Irish in the rebellion of 1641. The family, however, continued in Ireland; and upon the restoration of Charles II., in which they had taken an active part, the two sons of Sir Charles were created respectively, in 1660, Earl of Montrath and Baron Coote of Colooney. In due time the baron's title and estates fell to his son Richard, the future Earl of Bellomont. This latter title came to him only in 1689, after the accession of William. Being a stanch Protestant, at the accession of James he quitted England, or rather Ireland, and remained on the Continent till peremptorily summoned back by James. But he was a leader in the movement to bring William to the throne, as his father and uncle had been to bring Charles. It was the beginning of warm personal relations with William, who, speedily after his accession, made him treasurer and receiver-general to the queen. For all this, James's transient Jacobite Parliament in Dublin attainted him and confiscated his Irish property. Nevertheless, it was a step upward for the baron, for, among other marks of royal favor, William created him Earl of Bellomont.

Such, and in such relations with the king, was the governor whose administration we are to trace. Nor, in this connection, would it be right to leave unnoticed his wife, the Countess of Bellomont. The earl had a house, entertained, and maintained a table; and a statesman's table may be made a very important annex to his administration. How much, in those days, depended upon the mistress of the house, her taste, her skill, her manners, her ability to preside and direct the whole! It is remarkable that, young as she was, only thirty-three, occupying such a position, and the first countess who had been seen therein, so little is anywhere said about Lady Bellomont. Yet the earl lived in great style, she was in no sense a recluse from society, and he (we are told) "was very fond as well as very proud of her." It is, at least, a tribute to her worth, her amiability and general manners, that nothing from those days has come down to us against her. She was Catherine, only child and heiress of Bridges Nanfan, Esq., of Birts-

Morton, Worcestershire, England, where the family occupied an ancient and moated manor-house, remarkable for a very curious chimney-piece, described but not illustrated in Nash's history of the county, town, and family. It is said the earl married her in 1660, at twelve years of age, both statements being made dubious by the fact that she was not born till 1665. Or, if the latter doubtful one be true, it may be said that she married early and late, and continued to marry so long as she had that earthly privilege. For, after the earl's death in 1701, and her own return to England a year and a half later, this gracious lady, who evidently had attractions and retained them, married Admiral William Caldwell. After his death in 1718, to him succeeded Edmund Pitts, Esq., of Kyre; and to him in 1738, in her seventy-second year, William Bridgen, at the time a merchant, afterward an alderman, and in 1764 Lord Mayor of London. She survived this last marriage only two or three months; but if, in youth, her taste selected one who was thirty years her senior, at the riper age of seventy-two it veered to one who was perhaps as much her junior. Her two sons were successively Earls of Bellomont.

That so distinguished a man as Bellomont should now be selected as governor shows the growing importance of New-York in British estimation. Moreover, it was a personal tribute to his character. He was selected by the king himself upon his personal knowledge of him, and in view of duties which required as prime factors resolution and integrity. He was to be governor of New-York, Massachusetts, and New Hampshire, from the sea-board to Canada and the Indian country. His commission was dated November, 1697, but through various delays he did not arrive in New-York until April 2, 1698. It now becomes necessary to refer to clouds that were already upon the horizon and ominous before he ever set foot in the city, before he even left England. I allude in this place to his known views as to the execution of Lieutenant-Governor Leisler. The Leisler troubles, extending from 1689 to his execution under Governor Sloughter in 1691, have been carefully reviewed in the first volume of this work. That review also related the persistent efforts of young Leisler and others, in England, to have the attainder of high treason removed; and his entire success, through parliamentary action confirmed by the king's signature, in 1695. It was a revulsion of feeling in England, and in the highest quarters, as to an act and the persons who suffered, which carried with it the rendering of justice so far as it could now be done. Little enough—the reversal of the attainder and the restoration of property! Of the parliamentary committee who examined the subject and reported upon it, Bellomont was a member. The bill they introduced

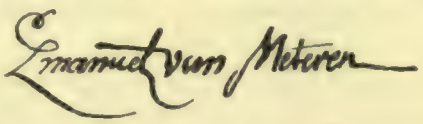


was a detailed one. This bill he defended, and denounced that execution from his place upon the floor of Parliament. How thoroughly he was convinced may be judged from a remark of his to Rev. Increase Mather, which the latter repeated in a letter to Chief-Justice Dudley, who had presided at the trial, that "those men [Leisler and Milborne] were not only murdered, but barbarously murdered." That was in 1695. But in New-York the party that did it, the aristocratic party, was and had continued to be, from the date of their triumph in 1691, the party in power, sustained by Governor Fletcher. The bill which required the restoration of estates had, so far, been ignored under the poor plea that they had been sold, and portions of them sold again. A poor plea, in view of the fact that the original sufferers had not been among the large estate-owners; and such, or others of that party, had no doubt bought what had been sold. With all this, however, up to the time of his coming, Lord Bellomont had personally nothing to do. It was known that his selection and commission related principally to infractions of the revenue and piracy, the "two dangerous diseases" (as they were styled) with which New-York was "infected": "an unlawful trade and piracy." Fletcher had been removed, and he himself appointed, because of the unsatisfactory state of things and of the actual charges laid against Fletcher of complicity in these unlawful proceedings. These he might well be expected to attack vigorously. But it was a mere surmise how far, when upon the ground and in office, his sympathies or his convictions might carry him in the direction of the Leislerians as a party. Even a determination on his part to execute the law relating to the estates would touch but few.

And now a remarkable pamphlet appeared, another of the kind of the "modest and impartial narrative" to which we have already referred. It was entitled "A letter from a gentleman of the city of New-

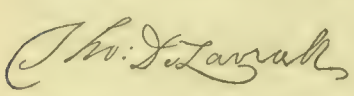
[1] Gaspar Fagel, an acquaintance and correspondent of Lord Bellomont, and the friend of William and Mary, was an active party to the peace of Nimeguen, 1678, and to the policy which placed William III. on the throne of Great Britain. He was born in Holland in 1629, and lived to the advanced age of four score and ten. EDITOR.

York to another concerning the troubles which happened in that province in the time of the late happy revolution." It went over the old story of Leisler and his terrible doings, and his righteous end in 1691. Had it been what it purported to be, a simple letter of one "gentleman" to another, it would have been of small consequence. It was speedily answered by another entitled "Loyalty Vindicated, an answer to a late false, seditious and scandalous pamphlet"; the inspirer, if not the actual writer, of which it assumes to be Bayard. And it is curious to notice how, in the history of these troubled years, if the lid of events happens to open, as the Jack-in-the-box out jumps Bayard, certainly a very able, if perhaps unscrupulous, man. The significance of the pamphlet, however, was not in who wrote it, but in the time and circumstances of its publication. It was issued to the public from the press of William Bradford, in 1698, just previous to the expected arrival of Bellomont, and with the official sanction of Governor Fletcher and his council! It is certainly pertinent to ask, what was their object and design in thus reopening the old story, at just that time, and in the face of a parliamentary verdict three years before? What was its bearing upon the expected governor? Is there not to be seen in it a prejudice to be created or cultivated, already the marshaling among the aristocratic party of an opposition, the throwing out of outworks and rifle-pits, against his administration? Without and before an act of his own, it was a threat and portent of trouble from that side.



At this point of the history it is very desirable to know how and in what spirit the new governor entered upon his duties; to know, also, what were his instructions. According to his commission and subsequent instructions, one thing is especially to be noted — how rigidly his powers were restricted. Everything had ultimately, or within three months, to be reported to the lords of trade, for the king's approval or disapproval. He had "full power and authority" to make laws and ordinances for "the public peace, welfare, and good government," but "by and with the consent of the Council and Assembly" — so well established had the "Assembly" already become under the government of William. That nothing might be done therein prejudicial to the crown, the governor had a "negative voice"; and he might, as he should judge necessary, "adjourn, prorogue, and dissolve" the assemblies; but such was the position of the people — a very important position, since they voted the money. As to the council, after being sworn into office, to the number of at least seven, he might suspend any of them, if he should "find just cause for so doing"; but he must transmit his reasons, proofs and their answers; he might choose others in their places, to act till confirmed by the king, or till others were nom-

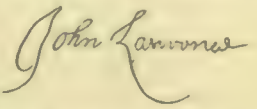
inated by him. Over their proceedings also he had "a negative voice," but he could only "summon and call General Assemblies," or do other things, by and with their "advice and consent." Therefore, how important to him the composition of that council, and the relation of its members to public affairs, may easily be seen from one point in his instructions. The "Lords spiritual and temporal in Parliament," "upon consideration of the great abuses practised in the plantation trade," had passed an act for "preventing frauds and regulating abuses" therein. This was to be "strictly observed." Such abuses could only have been practised "from the remissness or connivance of such as had been or were governors in the several plantations"; and Bellomont is distinctly informed that "any failure in the due observance of these laws, by any wilful fault or neglect" on his part, would be looked upon as "a breach of trust reposed" in him, to be "punished with the loss of his place" and further marks of his Majesty's displeasure! It may be said, also, that he had "commands" from the Secretary of State, the Earl of Shrewsbury, and the Lords Justices of England, to "inquire strictly into the connivances and protections that were given to pirates by Colonel Fletcher, late Governor." Such among others were the duties laid upon and expected of him; such, to himself, the prospective results of "wilful fault or neglect." How necessary he should stand well with the home authorities; but, on the other hand, how dependent for success, in whatever he might undertake, upon his council, hitherto the colleagues and friends of Governor Fletcher, into whose proceedings he was "strictly" to "inquire"!



With these instructions before us, and his official relation to the council and the assembly, it will help us if we know in what spirit he entered upon his duties. That the party feud which began in 1689, which had been embittered immensely by Leisler's execution, still continued, needs only to be said. But under Governor Fletcher the Leislerians, as a party, had been to a great degree benumbed and quiescent; they were certainly powerless. It has been said that Lord Bellomont came from England thoroughly prejudiced, with his mind intent on righting their wrongs, and that the difficulties of his administration arose from his efforts to do so. We have only to scrutinize the history of events in their order, to see the fallacy of such statements. Had such been the case, had his mind been so poisoned by young Leisler and the few others he knew, he would have tried (one would suppose) to secure beforehand a council more in harmony with his views. Nothing of the kind! He landed, April 2, 1698, published his commission and swore in the same council, continued without change: Frederick Philipse, Stephen Van Cortlandt, Nicholas

Bayard, Matthias Nicolls, Gabriel Minvielle, William Pinhorne, John Lawrence, William Smith, Chidley Brooke, and Thomas Willett — the first five of them the men who, as Sloughter's council, voted the execution of Leisler and Milborne; Pinhorne, the sixth, a leading member of the court which condemned him! Moreover, he took into his confidence, and later protected against them, James Graham, attorney-general of the province, one of the men most obnoxious to the Leislerians. In fact, at this time all his letters to the lords of trade, and evidently his time and thoughts, are devoted to those trade abuses, as to which he had received such stringent orders. They produced the first rupture.

When the earl and countess landed, the city corporation provided four barrels of powder for a burst of welcome. On the wharf were crowds, who, of course, took off their hats. It was, for the day, a fine reception. Then he received a corporation dinner, two aldermen and two assistant aldermen being the responsible parties to "make a bill of fare." "For the effectual doing thereof" they were authorized (out of the city treasury) "to call to their assistance such cooks as they should think necessary." It was a fine dinner—"venison, turkey, chicken, goose, pigeon, duck, and other game; mutton, beef, lamb, veal, pork, sausages, with pastry, puddings, cakes, and the choicest of wines." Mayor Johannes de Peyster, reputed the handsomest man in the city, presided. One hundred and fifty people dined with the new governor. A loyal address was read, and he was "delightfully affable with everybody." Several stately dinner-parties were given. But these latter, which were, of course, by leading families, were the calm before the storm. Within a week after his arrival, it came to his knowledge that the ship Fortune, Captain Moston, was in the harbor, with East India goods in an "unfree bottom." Here was, at once, a case contemplated in his "instructions." Mr. Chidley Brooke, the collector, was doing nothing in the matter, and the goods were being landed by boats, to the injury of his Majesty's customs revenue. When the earl ordered them seized, Mr. Brooke informed him that it was not his business, that he had no boat to board the ship, and made other excuses; and only under positive command, and after three or four days' delay, did he seize the last boats and goods worth a thousand pounds, out of twenty thousand in all. Other like violations of the customs law the earl could not at the time prevent. Evidently, however, Mr. Brooke was not the man for the emergency, and he removed him. Yet Mr. Brooke was brought up in the family of a relative in Ireland, had first been advanced in the customs by the earl's father and by himself, and the latter was at the time security in two thousand pounds, payable in England, for the



proper discharge of his duties as collector! But the blow went deeper than Mr. Brooke; it reached not the people, but certain of the merchants, who were rich and growing richer through this foreign traffic, who were influential and interested in the maintenance of things as they existed under Colonel Fletcher. They had not been used to such an administration of the laws. It is time, therefore, to open up a little the situation which the earl had to face.

Even under William the English acts of trade, it must be confessed, were rigidly framed in favor of England and its home commerce.

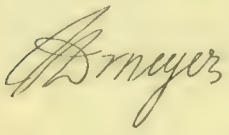
They were not popular in the colonies, against which they discriminated. Colonial foreign trade was limited to England itself, and in ships built, owned, and commanded by people of England or the colonies. The latter had to pay a tax of five per cent. on imports and exports for the benefit of the mother-country; and they were taxed on what they sent to the other colonies, without right of export from there to the outside world. Revenue to England and a monopoly was the main thought of English colonial legislation. These laws Governor Fletcher, as well as Governor Bellomont, was, under oath, obligated to enforce, but they had not been enforced. There had grown up a traffic, through protected "privateers," and, perhaps, collusion with pirates, the center of which was the East Indian Ocean and the island of Madagascar—a traffic by which the merchants were becoming greatly enriched, but the revenue was not benefited. The goods which, whether obtained out there by privateering, by piracy, or by exchange with pirates, cost little were brought to New-York, and allowed by the officials to be landed, to the immense profit of the merchants, their consignees. But as to the revenue, by a comparison of the different years, the earl discovered that, whilst trade and the city had greatly increased,—had, indeed, doubled,—it was less than it had been ten years before. It may now be understood why the seizure of the goods aboard the Fortune produced such subsequent uproar. There were twenty-two merchant-owners of the lading. Some of these ships brought immensely more in value. It would drive away trade, would ruin the town, had already hindered the "privateers from bringing in £100,000"—so said the merchants, who immediately raised a tumult against Lord Bellomont.

Concerning these merchants it may, probably with truth, be said that theirs was a case similar to that of the "wrathful" Ephesian workmen who cried out: "By this craft we have our wealth," and "This our craft is in danger to be set at nought"; so that "the whole city was filled with confusion." It was not caused by the people at large, certainly not by the Dutch, whom the governor praises as "a sober, industrious people, obedient to government." The merchants had fallen into a gainful but illegal traffic, and did not wish it interfered with—

that was the sum and substance of the matter. Had the "town clerk" (like the one at Ephesus) attempted to "appease" them by suggesting that "the law was open," it was just executing the law that enraged them. No one, at this day, would be willing to defend the English laws relating to the colonies. They were selfish and unjust. "Bad laws," says Edmund Burke, "are the worst kind of tyranny"; they are deliberate, coldblooded, and persistent acts. These were such; they expressed the deliberate intent of the "Lords spiritual and temporal in Parliament"; nor was there any abatement of them for many a day. Our present study, however, relates not to them, but to Lord Bellomont, his character and that of his administration. "He came," says Schuyler, "when the country was at peace, trade had begun to revive, and prosperity was beginning"; but he was so "anxious to set up a new standard of government and to introduce new methods that he soon involved himself in controversies and quarrels which made his life a burden and hastened his death." Yes, trade had certainly begun to revive, was reviving at a most extraordinary rate. "Arabian gold and East India goods were everywhere common." Where did they come from? Not from England, not from the colonies, nor had they passed the custom-house. Did not the officials know? Certainly; everybody knew. Mr. Brooke knew, who was also a member of the council. What was Lord Bellomont to do? what was it his duty to do? In this matter the tumult of the merchants against him should not deceive us, however respectable and influential their position. So much the worse. They talked of the "late happy revolution" to show their loyalty; they held government offices, and persistently violated the laws. Nor did they, like the merchants of Boston, boldly express their "indignation at the acts of navigation" in a protest to the government itself; maintaining their right as English subjects to the privileges enjoyed by Englishmen. That was the difference between

[1] Hugo De Groot, or Grotius, the celebrated Dutch jurist, divine and historian, who at one time contemplated coming to New Netherland, was born at Delft in April, 1583, and died in August, 1647. His little treatise *De Veritate Religionis Christianæ* has been perhaps the most popular "Evidences of Christianity" ever published, and has been translated into almost every civilized tongue. It was among the earliest books of its character printed in this city. EDITOR.

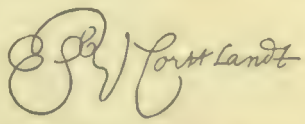
them. Says Mr. Burke: "The poorest being that crawls on earth, contending to save itself from injustice and wrong, is an object respectable in the eyes of God and man." But that was not their contention. They were contending for liberty to continue a trade which, at the other end, had the most dubious surroundings; of which, at their own end, they were the beneficiaries; and by which they were demoralizing the city. Meanwhile it was hard on the honest old earl. The expanded and erect tail of the lyre-bird is very beautiful and has the exact appearance of a lyre; but the bird gets from it no music. Nor was the earl getting anything very pleasant out of his governorship. Inside his own house the roof leaked and the rain came in to spoil the family's comfort; whilst in the lower halls and rooms the flooring was in an advanced state of decay. Outside, the merchants were saluting his ears with an angry tempest.



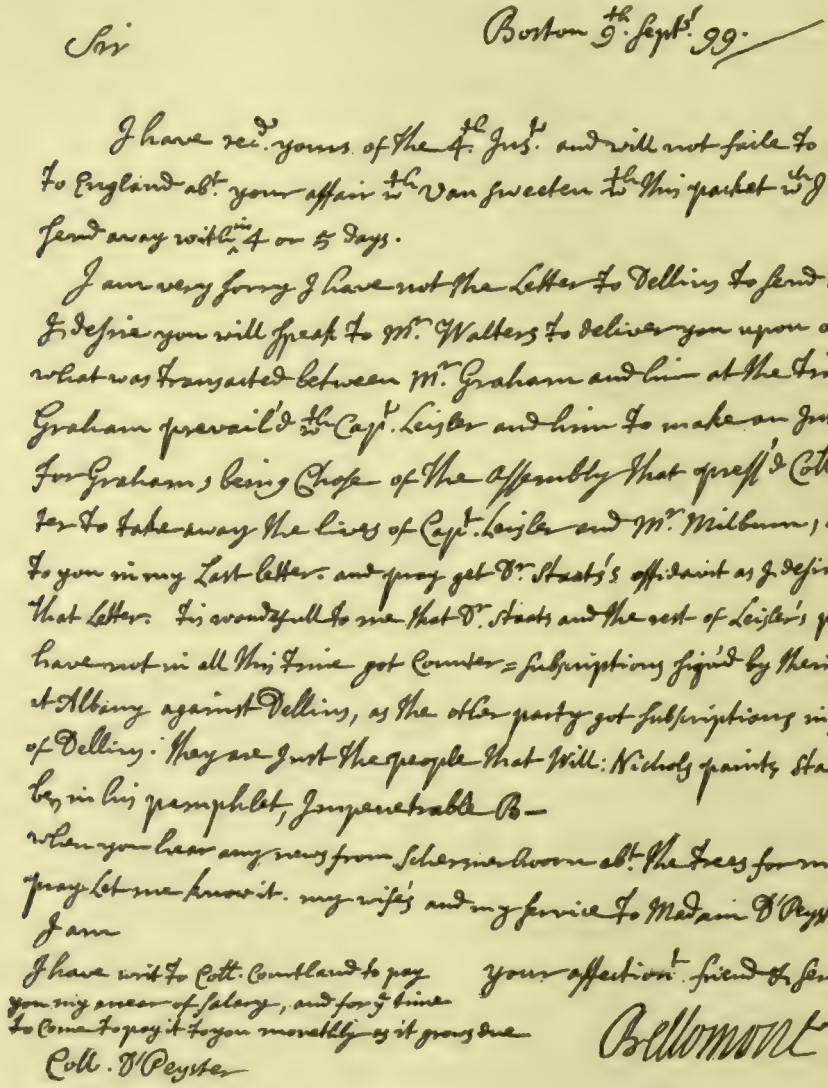
Thus far only the induction of the greater storm. The Fortune and another vessel had been condemned by the Court of Admiralty, notwithstanding the corruption of evidence. The earl had replaced Mr. Brooke with Colonel Van Cortlandt and a Mr. Monsey, for six years chief searcher, as commissioners. One Van Sweeten had some goods concealed in a garret, which Monsey and another officer were sent to seize; but the merchants gathered, or some of them, and the officers were locked in and left there for three hours; whereupon Bellomont sent the lieutenant-governor (Nanfan), with three files of soldiers and some servants, to break down the doors and release them. This experience, with perhaps other influences, induced Monsey to resign. But Van Sweeten brought the matter before the council. They could not sustain him, whatever they might have wished to do. Nevertheless, a conflict with the council was already in the earl's larder ready for the cooking—it was sure to come on and speedily. Their feeling toward him may be judged from a letter of his to the lords of trade (May 25), in which he says that not a man of them had ever come to offer him any account of the state and condition of the province; and that all his "light and information" on the subject had come from Mr. James Graham, the attorney-general, "a man of great sagacity and temper." Several of them were themselves merchants. Mr. Frederick Philipse, the oldest member, was one who had a ship on the way from Madagascar. So far, however, they knew full well that the earl had simply been doing his duty according to the law and his instructions. The conflict opened the very day of the Van Sweeten business, or June 7. Four ships laden at New-York and bound for Madagascar applied for clearances, in other words "protection," such as ex-Governor Fletcher had been in the habit of giving, and which was a part of the "malfeasance in office" charged against him. They carried (usually)

"liquors, gunpowder, and arms," as most in request, and returned with East India goods. Profitable business, when one could sell rum, costing in New-York two shillings, for fifty shillings and three pounds a gallon in Madagascar; and a pipe of Madeira wine, which cost nineteen pounds, for three hundred pounds! No wonder New-York was "flushed" with Arabian gold and East India goods! Yet it must be said, in relation to the present case, that these voyages to Madagascar were open; that a clearance and government "protection" involved payment of revenue; and that the trouble was the real purpose of the voyage, as to which there could be no downright evidence; not piracy, perhaps, but dealing with and obtaining their goods from pirates. The character of their lading, everything, pointed to this; an experienced custom-house officer would have had no doubt about it. It was sustaining piracy, if not piracy itself. But the earl could only proceed "on suspicion." Yet that "suspicion," he thought, was sufficiently backed to require of each ship "good security not to trade with pirates." He delayed as to the clearances until he had called together and consulted the council. Unanimously they opposed this method as "not prescribed by law," and as never having been "practised there before." He yielded, and let the ships go.

The further outline of this traffic and its relations to piracy may be deferred till we come to the case of Captain Kidd. Our present concern is with the earl and his council. That he had reason enough for his efforts to restrain the traffic, and right there in its center, would be easy to show. "The money brought in was dearly purchased" (was Governor Bradford's testimony) by the vices and evils engendered in the community. It infected the people. This demoralization was one of his main difficulties. But whether the "method" proposed would accomplish anything was very questionable; it was too easy to escape. And certainly it was not "prescribed" by law. He did well, therefore, to yield to their decision. Nevertheless, it brought to the front a reason more important to some of them than the legal one, a reason in which all of them, it is to be supposed, more or less sympathized. It was the point of feeling; it had never been "practised there before"! The words can only properly apply to recent years, William's reign, during which alone the difficulty had existed; that is, to ex-Governor Fletcher's administration. There was where "reform" measures touched them. Ships had gone and come without inquiry, let, or hindrance; or rather, they had been let go. It was expecting much and too much of Mr. Frederick Philipse, for instance, to suppose that he would now consent to a measure which required of him "good security" that his own ships should not "trade



with pirates"—unless he wished to set a good example! Either as merchants or as a council they were all more or less, officially at least, involved in what had been "practised there before." They may have



Sir

Boston 9th Sept. 99.

I have rec.d yours of the 4th Inst. and will not faile to write to England abt your affair & Van Sweeten by this packet & I am to send away with in 4 or 5 days.

I am very sorry I have not the Letter to Delling to send home. I desire you will speak to Mr. Walters to deliver you upon oath what was transacted between Mr. Graham and him at the time Graham prevail'd with Capt. Leisler and him to make an Interest for Graham, being Chose of the Assembly that prest Coll. Slaughter to take away the lives of Capt. Leisler and Mr. Milburn, as I writ to you in my Last letter: and pray get Mr. Staats's affidavit as I desir'd in that Letter. 'Is wonderfull to me that Mr. Staats and the rest of Leisler's party have not in all this time got Counter-subscriptions sign'd by their party at Albany against Delling, as the other party got subscriptions in favour of Delling: they are just the people that Will: Nicholls paints Staats to be, in his pamphlet, Impenetrable B—

when you hear any news from Schermerhoorn abt the Trees for masts, pray Let me know it. my wife's and my service to Madam D'Peyster

I am

your affection.t friend & Servant

Bellomont

I have writ to Coll. Courtland to pay you my arrear of salary, and for the time to come to pay it to you monthly as it grows due

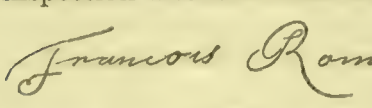
Coll. D'Peyster

had no personal regard for Governor Fletcher; or they may have been willing, when they could, to separate themselves from his doings. On May 8, some of them, "the gentlemen then present," on the strength of certain depositions laid before them, thought he ought to be sent home "a prisoner." But it is evident enough that this did not represent the majority sentiment. It is not the writer's place nor purpose to enter into the preceding administration further than it concerns

Lord Bellomont. The latter has, however, been accused of, and of acting upon, an intense "prejudice," unreasoning and unreasonable, against his predecessor. Certainly he had a prejudice; how could he help it? All this time, to say nothing else, ex-Governor Fletcher remained in the city; no man in it was more deeply concerned that Bellomont should fail in his mission than he; and at his house he and members of the council, Bayard, Nicolls, Brooke, Minvielle, and Pinhorne, if not others, caballed, counseled, and planned. Nor could Bellomont remove them except for cause. Daniel Webster has said that "the simplest of governments is a despotism"; that is, a one-man rule with absolute power. Bellomont had to consult and satisfy lords of trade, king, council, assembly. He was between two lines of fire. The council "hindered" him, and the merchants threatened. He says he was obliged to "stand entirely upon his own legs"; but they were sturdy Irish-English legs, and equal to much "uphill work." Against Nicolls he obtained sufficient evidence of various trade complicities, suspended him, and sent home his reasons and proofs. Also (June 14) he suspended Brooke and Pinhorne. Pinhorne was violently opposed to the governor's proceedings, and became disrespectful to his Majesty. He retired to his plantation on the Hackensack, and became a judge and councilor in New Jersey. But it still left in Bayard and Minvielle the council to trouble him, whilst Brooke and Nicolls became brewers of mischief without.

We must now turn to the assembly, the important popular body, although it numbered but nineteen members. The actual origin and beginning of the New-York assembly was with Leisler. It was the natural outcome of his democratic ideas, and he first called it into being. Back of him and into Stuyvesant's time the advocates of larger liberty for the people had rapped at the doors of successive governors for recognition, but had failed in their demands. The center of these demands was invariably certain towns on Long Island. There stood the tree which no gusts of royal or viceregal displeasure could uproot, which only grew the more sturdily for the blasts it encountered. To Leisler we owe the first fruitage of this long waiting. William, fortunately, had the same liberal ideas, and by his orders to Sloughter in 1691 made that first experiment permanent. It had become already an institution of considerable power; for the country members, especially, were sometimes very stubborn and independent: "big," as said Governor Fletcher to them in his wrath in 1694, "big with the privileges of Englishmen and Magna Charta," and "taking upon them airs as if they were dictators"! Therefore, as he could not move them to his wishes, he told them, with an angry snap, to "withdraw to their private affairs in the country." "You are hereby prorogued to the tenth day of January next ensuing!" In

the present posture of affairs the character of the assembly was of consequence to the governor. If it was controlled by the same influences and individuals that opposed him in the city, his position would be well nigh untenable. The assembly voted the money. The first one, called by him for May 8, was unimportant except as showing his principles of action. He should "consider it the glory of his government," he told them, "to find out some way to reconcile party spirit." "I will pocket none of the public money myself, nor shall there be any embezzlement by others"; his accounts should be furnished for inspection whenever desired. He did not hesitate to tell them in what state he had found the government. In fact, the assembly itself was an evidence of this on one point. His proclamation had commanded "all fairness of elections, and legal and just returns of representatives." Yet what was the case, even so early in our history? The election of eleven, a majority, was disputed, but they kept their seats. The sheriff of New-York and Orange Counties returned four persons as elected, and yet confessed that he had not allowed the people of Orange County to vote; and these four, together with other disputed members, kept out two who were regularly returned, on pretense that they were under attainder for taking part in the Leisler troubles! So old, in our politics, are election frauds, so early was the seeding of what has become a far-branching upas-tree! The injustice, in the assembly, was to Leislerians. But when appealed to by six members, the governor said he neither managed elections nor would he interfere with "the rights and liberties of the House of Representatives." However, as the assembly did nothing but wrangle for a month, he prorogued it.



We now revert to matters in and out of the council, previous to the next assembly. So far, one thing had been gained—the revenue was increasing under Van Cortlandt. In July the earl himself went to Albany to fulfil an appointment with the "Five Nations of Indians"; and it is an instance of his indomitable resolution and energy that, to be there punctually, he embarked in the midst of a fit of the gout, to the great hazard of his life, since he caught cold on the river, and "had like to have died" when he reached Albany. We need not recount his negotiations with the Indians, or with Count Frontenac, so long the plague of that frontier. To keep the Five Nations friendly in the face of French intrigue, Bellomont, like his predecessors, had to fee them well. According to Domine Dellius, of Albany, who preached to and studied them, they were at this time among the very lowest in social morality, and were, to some extent, cannibals. It is just to note, in this connection, that three years before Eliot, the celebrated apostle

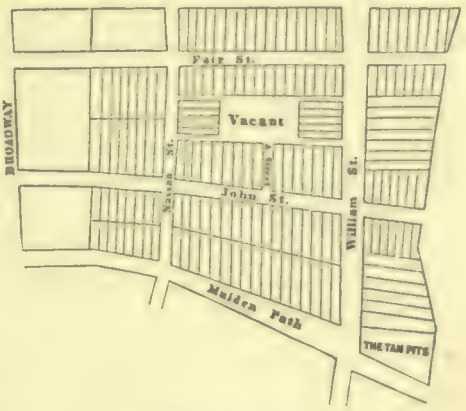
to the Indians, held his first service, the Dutch ministers of Albany began a Christianizing work and preaching along the Mohawk Valley. Between 1690, when Schenectady was burned, and 1697 and the Peace of Ryswick in Europe, in Canada and the woods it was a state of war. But there were some so-called "Christian Indians"; and in fifteen years after 1702, there were recorded in the Schenectady church thirty-nine marriages, one hundred baptisms, and fourteen received as members; so that in 1880, at the two-hundredth anniversary, they joined the tortoise with the Holland pelican, the English lion and the American eagle, in remembrance of their early Indian membership. What havoc that war made may be told in figures. In 1689 the Five Nations had 2800 men; in 1698, 1320—a loss of 1480! In 1689 the city and county of Albany had 662 men, 340 women, and 1014 children; in 1698, through departures and casualties, 382 men, 262 women, and 805 children—a loss of 567. These figures, also, show an average at the time of three children to an Albany family.

The earl's return in September led to further and important changes in the council. Up to this time he had shown no intention of pushing forward the party of the Leislerians. Only one thing had he done, about a month after his coming, which could possibly be construed that way: he had ordered the restoration of the Leisler and Milborne property. But if there was one thing the earl held sacred, it was an act of Parliament; he was loyalty itself to the law and his instructions—they were his rudder and chart, and decided his course. Added to the seizure of goods, this order was caught at for purposes of prejudice and resistance. It was said, and has come down in history as valid, that "innocent parties" had to "vacate houses and stores" which they had bought "in good faith"! Such a plea was barefaced. In 1692 Mary in council ordered the estates of the deceased restored. From that moment the title was bad, and they knew it. In 1695 a positive act of Parliament required the same, and they knew it. And now, on the one side were the Leisler families defrauded of their rights and pressing them on an honest governor; on the other, parties who held the property in defiance of law and Parliament. In such a case the only charge against Lord Bellomont can be that he was too brave and right-minded to hesitate as to his duty. But it touched the dominant party; no Leislerian, we may be sure, had ever bought that property. Further than that the governor had not gone. In fact, in a list of six names of persons suitable for councilmen in place of Brooke, Nicolls, and Pinhorne, he had included Philip French and Adolph Philipse, son and son-in-law of Frederick Philipse, who certainly would have been against him. French was speaker of that abortive assembly, and concerned in its illegal acts. By September,

however, he felt obliged to remove other members of the council; and equally was he obliged by everything in the case to turn to some of the other side. The merchants and others opposed to him, both in and out of the council, were in no way placated; and many of these prominent men had even sent a petition to Whitehall, by Mr. Brooke, for his recall. Verily might he be "sick of such councilors." Bayard and Minvielle and Willett he now (September 28) suspended; also John Lawrence, who was eighty-two years old; and the next morning Philipse resigned on the plea of age. These were succeeded by Abraham De Peyster, Robert Livingston, Dr. Samuel Staats, and Robert Walters, "men of good estates and reputation"; and these, with Van Cortlandt, Smith, and Peter Schuyler of the old number, made up the new council of seven.

The names of some of these men suggest the past and connect it with the present. Bayard, Philipse, and Van Cortlandt were the council in office under King James II., and as such led the opposition to Leisler in 1689, although Bayard was throughout the conspicuous and influential figure. Of those present when Governor Sloughter landed in 1691, and who influenced him in his dealings with Leisler, were Philipse, Van Cortlandt, Minvielle, Brooke, Pinhorne, and Willett, Bayard and Nicolls being at the time prisoners in the fort. Of those who examined Leisler and the rest as prisoners were Van Cortlandt and Brooke; of those who judged and condemned them to death were Pinhorne, William Smith, and John Lawrence; the council which condemned Leisler and Milborne to their hasty execution were Philipse, Bayard, Van Cortlandt, Nicolls, and Minvielle; and the man at whose house weak Governor Sloughter was induced to sign the death-warrant, during a convivial party, was Bayard! These men, thus personally and deeply implicated in that feud, had ever since been the council, controlling the offices and the execution of the laws, under the governor. They were the head and front of that "little oligarchy" of which Bancroft speaks; that shrewd but "selfish" aristocracy composed of wealthy people, landowners, and merchants, who had thus far had everything their own way. Of them all Bayard, seconded by Nicolls, was by his personal qualities the undoubted leader, clever, untiring and aggressive. Of the men of the period which is passing before us Livingston, for one, is said to have been so "icily impertinent," so "indifferent to giving pleasure or pain," as never to have been popular in New-York. On the other hand Bayard had qualities which made him popular in his own set, and as a partizan exceedingly influential; to the other side as obnoxious, as intensely hated, as man could well be. For this, aside from public acts never to be forgiven, his excessive pride, his overbearing arrogance to other people whom he chose to consider not his equals, was mainly respon-

sible. It is true he had once been a deacon, and one of whom Domine Selyns in his exuberant style had written for his use in England: a "pious, candid, and modest Christian," filling his office of deacon "with consummate approbation and praise"! Nevertheless, he has not come down to us in the picture-gallery of that day as a "modest Christian," who to any very successful extent cultivated humility; nor, during these immediate years, was piety as noticeable in him as were some other qualities. The religion of the period in the colony, we must remember, was not as advanced in the moralities as at present. It labored under disadvantages, was to a large extent outward and formal—a cutaneous eruption with many, which touched no vital organ. Especially were men of rank and standing, who were not wholly disgraceful, apt to be lauded as good Christians. Moreover, these were high party times—times which brought to the surface and showed in their malignity traits, if they were there, which otherwise would have remained and slumbered innocuous under ground. Such as Bayard was, such was in the main his party. The offices and the influence were theirs of right; and to be superseded by Leislerians was an indignity and an offense which startled them like an earthquake.



SHOEMAKER'S LAND.[1]

It will be seen that the earl had now brought down upon him the aristocratic party; at least that portion of it which was more devoted to Bayard. As merchants, as a council and as a party, they were essentially one—all anti-Leislerians. In removing their leaders from the council, and especially now Bayard, and in thus replacing them with De Peyster and the rest, he had struck a blow at the party supremacy. From his letters, his own idea would seem to have been to "balance" parties. But to be "balanced" with Leislerians, by turning out their own leaders, was a thing not on the cards of the so long uppermost faction. They were again in loud insurrection. So indignant was Bayard with the whole business that he followed Brooke to England to present grievances, leaving Nicolls to manage party interests at home. In a word, we may say that up to this time, since 1691, to keep themselves up and in, to keep the Leislerians down and out, had been the dominant chord with the other party. Compromise had not been

[1] The original name was Shoemaker's Pasture, presented to the Dutch Reformed Church, and still forming part of its property. EDITOR.

thought of, nor was it as yet really possible. The cockatrice of the ancient fable was the product of a cock's egg hatched by a serpent, and had the wings, legs, and head of a cock upon a serpent's body—an incongruous and impossible combination, quite contrary to nature. So here, this was a blood feud, with a separating scaffold between, and their principles and motives were utterly diverse. If the earl made any changes, or any that were to be of service to him in his principal work, he must introduce into his council new elements, men not so bound together by ties and interests adverse to him as were those who went out. And (as he himself felt) why should he not? Why should these same men and this "little oligarchy" be always and only in office and in power, when the other side comprised the real majority of the people of the province? In this and in these feelings he was liberal, democratic, and consistent with what he had said concerning "the rights and liberties of the House of Representatives." An old writer has said that in his time there had always been (what he calls) an "upper-crust party," composed of certain prominent classes. But whatever the uses of the upper crust in the baking, it is certain that the under crust bears the main burden of the pie, and has, therefore, a clear claim to respectful consideration. For one of his rank and education, in his day, and with such opposition as confronted him, it should surely be regarded as a reason of honor to Lord Bellomont, that he so freely and bravely recognized and accorded to the people their rights.

Individually, the different scenes of a tragedy or comedy only advance by so much the main thought of the piece. This must not be overlooked in the history of a period. On some narrow strip of land or upon some inland sea may have been fought, has before now been fought, a battle fateful to dynasties or countries. Yorktown decided the success of the Revolution, the separation of America from England. Said Lord North, the English premier, when he heard of it, "O God, it is all over!" Professor John Fiske closes his "Beginnings of New England" with the words, "The spirit of 1776 was foreshadowed in 1689." They may seem periods too far apart to connect, but are not so in reality, any more than cars upon the same track, which are brought together and propelled, mile after mile, by the same spirit of steam in the engine. We speak of the "spirit of '76," almost as if it were some thing isolated and alone. It simply marked an advance, the ripening of grain long before sown. As the origin of the Revolution, Hutchinson refers to a slight which had been put upon the father of James Otis, in his not being chosen chief justice of the province; and says, "from so small a spark a great fire seems to have been kindled"—that is, it made James Otis a malcontent against government and a patriot. President Adams said, better, "here began the Revolution"—not in that affront, a personal pique, but in the principles advocated by Otis.

What fire of such dimensions could even Otis have kindled, had there been no burning material ready to hand in the minds of the people? It may seem far to carry back the beginning of that flame, or its preparation, to 1689. Were not popular liberty a principle of the reason with its germs in human nature, and, therefore, like everything of God's planting, destined to be developed, it might seem too great a length of time to carry it back to Roman days—to those old days when the Senate ruled, when the aristocracy was or thought itself the nation, when it took all conquered lands at a small quit-rent and handed them down from father to son; but when, also, in due time the Commons arose to claim their share. Defeated, suppressed, even disappearing for long periods, the spirit of liberty in and for the people lived on. The rule of English Oliver was a break in the long subserviency to king and nobles. The year 1689 in New-York (to which we return) brought another break; it gave coherency to a popular party—the first in its colonial history. Leisler held his own for two years because he was backed by the people, not a "rabble." One avowed reason for his execution was to intimidate the people. And now we have Bellomont in 1698, after the intervening years of virtual suppression, by his change of council and its effects, affording them an opportunity to establish themselves, putting new life and vigor into them. It was a happy circumstance for the state, for that party grew in power and was there when much needed, under subsequent royal governors of a different kind from Lord Bellomont. It may be said, also, that the Leislerians, at this precise date, were the most honest party—not through any incorruptible grace, but because they came so largely from the as yet unsophisticated people; because they had been kept away from the public crib; because evils in the soil had not been watered by opportunity nor visited by the sunshine of Governor Fletcher's favor. So it happened that those original trade dishonesties obliged the earl to do the people's party and the state future a good turn—which, however, his own liberal principles allowed him to do heartily.

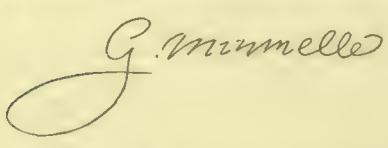
Bellomont [1]

Early in October, and, doubtless, a first-fruit of the change in the council, an event of marked interest took place. It was the interment of the bodies of Leisler and Milborne. For seven years since the exe-

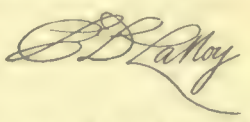
[1] This later portrait of Lord Bellomont has appeared in several recent works, but there is some doubt of its authenticity. It certainly has no resemblance to the earlier and genuine picture on another page. EDITOR.

cution in 1691, they had remained where they had been hastily placed, in a grave of dishonor, or it might be called a hole, at the foot of the gallows. Abraham Gouverneur and Robert Walters, with others of the family, now moved to have them receive Christian burial in the crypt of the old Dutch church. To this the governor assented, partly out of a "principle of compassion" for the family, but "chiefly" out of respect to the act of Parliament which, as he expressly says, legitimated Leisler's assuming the government. Of course, it was furiously opposed; but the governor sent a guard of honor of a hundred soldiers. The disinterment took place at midnight. A "rank storm blew." Nevertheless, upward of twelve hundred people were present, who, to the beating of muffled drums and with lighted torches, moved in procession to the City Hall. There the remains were permitted to lie in state for several days, and were then interred under the church. So ended, without any breach of the peace, this act of late justice; but without the relaxing of a muscle of that implacable hate among the old leaders and so much of the opposite faction, which had pursued the memory of these two men and pursued their adherents since 1691.

The new assembly was convened for March 2, 1699, but owing to bad weather and travel did not meet till March 21. Exciting times beforehand! It was a test question—Leislerian or anti-Leislerian! To secure a reasonable degree of fairness, the governor changed the old sheriffs and put in men of "better figure" in their counties. Nicolls especially was in his element—a practised political manager, active and indefatigable. More than once, it is said, he slept under a haystack, and he rode night and day about the country appealing to people to elect representatives who would oppose a "revenue." Good demagogue that he was, he made it out a matter of selfish interest to the people themselves, who were mostly farmers—and outside of the city, which was rich, they were comparatively poor; but his real meaning was that an assembly that would refuse to continue the revenue would be a sure means of ruining the earl's interest at court, and so of getting him "quickly called home"! Fortunately for themselves, the Leislerians in this canvass also had good leaders. Abraham Gouverneur was one, and Robert Walters "twice swam a swollen stream when the ice was breaking"! Such was this early but by no means unimportant election campaign for members of the assembly; nor would the picture be complete without the mention of some fighting and broken heads at the polls. But the Leislerians were victorious; and it gives us the means of judging very nearly the relative strength of these two parties. The figures tell. The assembly had twenty-one members, of whom sixteen were Leislerians! In the



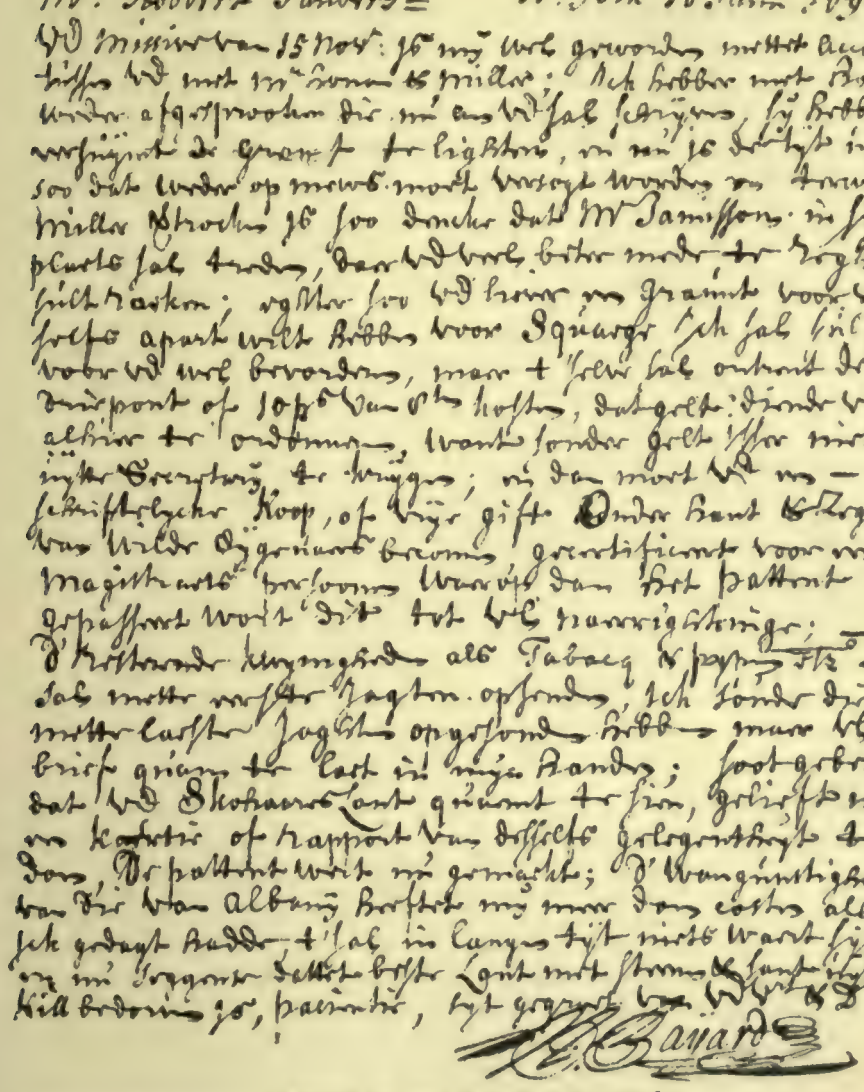
city itself the vote was four hundred and fifty-five (freeholders) to one hundred and seventy-seven—the latter anti-Leislerians! To be sure, Bayard and Brooke were absent, but any change would have been relatively small. To Bellomont the victory was most important; for it showed that the people were largely with him; and besides this, upon the third day of the session these sixteen Leislerians voted him the "revenue," and its management, for six years, with the remaining one year of ex-Governor Fletcher's dotation added! To the Leislerian party it was important, for it gave them standing and power, with the governor and council and assembly in reasonable accord. We may well ask, however, in view of the figures, how so much smaller a party had kept the rule so completely and so long? As a matter of fact, twenty-eight or thirty persons had been the nucleus of every disturbance. The reasons are plain. They had acquired wealth, and assumed style and standing above their fellows; they were a coterie who held together and pushed their class pretensions with persistent assertion and arrogance; they were the society that surrounded the incumbent governor and had his support; for years several of them had been steadily in office, Bayard for now forty years, until, in the end, they turned what was at first only pretension sustained by wealth and viceroyal favor into a right which it was an insolence to dispute. These claims and their place in the public eye they meant to maintain; and under acute leaders like Bayard and Nicolls, their connection with the governor gave them the means and the power. When that connection ceased and it came to votes, as in Leisler's time and now, their ascendancy ceased, they shrank to a lean minority. One hold upon power they still had—it was Bellomont's weak and vulnerable point. By misrepresentation and clamor, as gentlemen of wealth and chief standing in the city, they might do him harm in England, might even compass his recall.



One incident of that assembly had a kind of grim humor, not at all to the taste of the person concerned. James Graham, the attorney-general, was for the nonce speaker. He was a son of the Scotch Earl of Montrose, a man of some fine intellectual and social gifts, but as a politician shifty and uncertain. He had already shown his ability to leap the political fence with neatness and despatch, and without a straddle. In 1691 he was active in Leisler's trial and condemnation; in 1698, Lord Bellomont's friend and a reputed Leislerian! No wonder (to quote the earl) he had "the ill-luck to be hated by all parties in the House"! Especially was not Gouverneur, the husband of Mary Leisler, Milborne's widow, himself one of the "condemned six," and now the member for Orange and Kings, likely to forego a chance which offered itself to pay off some of the old score by humbling

Graham. He drew up a petition to the king asking repayment of £2700 expended by Leisler personally for the public service. It recounted his cruel treatment. This petition, if passed, it would be Graham's duty to sign and, at the head of the assembly, present to the governor. If he did not, they meant to expel him; if he did, as he told Bellomont, it would be "cutting his own throat." From this plight the governor relieved him. His name had been for several months on the list approved by the king for the council, so the governor now swore him in and told the assembly they must elect another speaker. Gouverneur was then elected, and the petition was passed and sent by the governor to the king. It was the last incident relating to the Leisler family, or as to any reparation of damages sustained by members of the party, during the earl's administration.

Another measure passed by this Leislerian assembly was of real importance to the state and its future, although it involved the earl in a fresh fire of resistance and trouble. It was the vacation of certain land grants made by ex-Governor Fletcher, contrary to good policy and right, and which invested about a dozen individuals with two thirds or three fourths of the lands of the province, including, also, some from the Mohawks. For the state it was a question whether the semi-feudal manorial system should prevail, to the extent indicated by these grants—a system which carried with it almost baronial privileges and position for the proprietor, and which would require, if carried out, a large importation of negroes as servants. They had first come in as slaves in 1638, were selling in New-York at thirty-five dollars a head, and were the main dependence of these "grandees" for servants. Philipse, the "Dutch millionaire," received his charter in 1693; when he died, in 1702, his household embraced forty slaves; and in that year, also, Cornbury's assembly passed an act "for disciplining slaves who had become insolent and unmanageable." It was one plea of the merchants that their ships went for negroes, and picked up the "Arabian gold and East India goods" quite legitimately on the way. The subject, therefore, involved an increase of slavery, and the character of the future population. There were no conditions in these grants, apparently, requiring the settlement and improvement of the country, as had formerly been the case—when, if not settled within three years, the lands returned to the grantor; and, in any case, the settlers would merely be tenants subject to these lords, whose would be all the profit. For the government quit-rents attached to the grants were ridiculously small, even if collected—for instance, "one beaver skin per annum for the first seven years," and five a year "for ever after," as rent of seventy miles long by twelve in width! In such a way had the public domain been disposed of to these few men, for no reason but that they were favorites of Fletcher or able to fee him.



LETTER OF COL. NICHOLAS BAYARD.[1]

[1] Translation of letter:

Mr. Robert Sanders: N. York, Jan. 10, 169⅘.

Your letter of Nov. 15 reached me duly with the answer between you with Messrs. Honan and Miller. I have again arranged with Honan, who will now write to you; they have neglected to take up the grant, and now the time has run out so that it must be petitioned for again, and while Miller has gone I think Mr. Jamisson will take his place, with whom you will again come to rights much better; however, if you wish to have a grant separately for yourself for Squaege, I shall promote the same for you, but the same will cost about three pounds or 10 pieces of 8; this money you will need to advance here, for without money there is nothing to be gotten out of the Secretary; and then you must procure a deed of sale, or free gift under hand and seal from the Indian proprietors, certified before some magistrate, whereupon the patent will be passed; this is for your information. The remaining trifles, such as tobacco and pipes, &c., I will send up with the first yacht. I would have sent them up with the last yacht, but your letter came too late into my hands. Should it happen that you come to see Skohaare's land, be so kind as to make me a chart or report of the situation of the same. The patent is now being made: the envy of those of Albany has made it cost me more than I had thought; for a long time it will not be worth anything, and now they tell me that the best land has been ruined by the overflow and sand from the Kill. Patience! With greetings from your friend and servant, N. BAYARD.

When attention was called to it in England, accompanied by a schedule of the grants, the lords justices instructed Bellomont to use "all methods whatsoever allowed by law" for "breaking and annulling" them. Whereupon Mr. Attorney-General was directed to draw up a bill to that effect. He had been in favor of such a measure, and at his own suggestion six special grants had been named in the bill. But when it was about to be acted upon in the council and assembly, what was the earl's amazement to hear him declare that it "could not be done," "'t was an original right by virtue of the great seal and the public faith of England"! Mr. Attorney had found a "quarter of meat" laid across his threshold, which he considered a menace that he was to be "quartered"! The earl laughed in his face; but evidently he had been "threatened," and went over the fence at once. In the house, and as speaker, he opposed the bill vehemently. With all his fine talents, and even brilliancy, it is certain that Mr. Graham was a coward and trimmer, utterly untrustworthy. Like a heron watching a frog-pond, he stood on one leg till expediency led him to change to the other, with the concomitant "ill luck" of being hated and despised. Lord Bellomont was not of that kind. The council stood three to three, and he gave the casting vote. In the house it passed by a large majority. But before it could become fully effective, it had to receive English approval. This it was which gave the earl his trouble; it transferred the conflict to the other side, where agents and agencies were busy to pull him down, whilst he was confined to his duties at home. Moreover, it brought in a fresh element of opposition,—the clerical,—which must now be explained.

THE NEW CITY HALL, 1700.

A brief glance at the grants specially named in the assembly bill will best of all show the nature of the question. First of all was one to Colonel Nicholas Bayard, for which he paid Fletcher one hundred and fifty pounds, of lands on both sides of the Schoharie Creek, in Montgomery and Schoharie counties, some thirty miles in length—a grant not made in acres, but "in the lump by miles," and as exactly measurable as a flock of wild pigeons! Another was to Colonel Henry Beekman, of Kingston, called the "great patentee." When a boy asked a Dutch farmer if there was "any land in the moon," he replied, "Colonel Beekman can tell you; for if there is any there, you may be sure he has got a patent for the bigger part of it!" This special

grant was of sixteen miles square in Duchess County, with lands on the Hudson eight miles in breadth by twenty in length. Another was to Captain John Evans of his Majesty's frigate Richmond, which lay in the bay but did no service in improving the revenue: viz., lands forty miles in length by twenty in breadth, and which included the southern tier of towns in Ulster County, two thirds of Orange County, and part of Haverstraw in Rockland County! Colonel William Smith of the council received about fifty miles of Nassau (Long) Island—"all the vacant lands" not covered by "former patents"! William Pinhorne, Colonel Peter Schuyler, Domine Dellius, and two others obtained fifty miles of the Mohawk Valley from Amsterdam to West Canada Creek in Herkimer County; whilst Domine Dellius individually secured on the east of the Hudson in Washington County a tract seventy miles long by twelve in breadth, and which extended into Vermont! For these they gave Fletcher something like fifty pounds apiece, and valued them at from five thousand pounds to twenty-five thousand pounds! A partial list merely of great grants, which yet left untouched eight or nine more. So had they parceled out the province among them! Familiar names in these troubles, some of them,—Bayard, Pinhorne, Smith. The bill, however, connected with these two other small but important pieces of land. After the earl's appointment to succeed Governor Fletcher, the latter leased to Colonel Caleb Heathcote, his special friend, "the pleasantest part of the King's garden," and to Trinity Church (for seven years) the "King's farm," a demesne of the fort and a perquisite of the governor attached to and around his residence. Thus we have in view the main elements of the coming struggle in England—the same old party, most of the great landholders, an abundance of money, with names known and influential, but now reinforced actively by Trinity Church and the Rev. William Vesey and Domine Dellius. Bayard and Brooke were already there; Domine Dellius (who had also been virtually deposed by the bill) was soon on his way, with commendatory letters and seven hundred pounds in his pocket, and was expected to obtain the coöperation of the Classis of Amsterdam; whilst Mr. Vesey, in behalf of Trinity Church, invoked the aid of the Bishop of London, to secure, if possible, the recall of Lord Bellomont! Verily might he at this time be likened to a noble bull at bay teased and tormented by no inconsiderable adversaries!

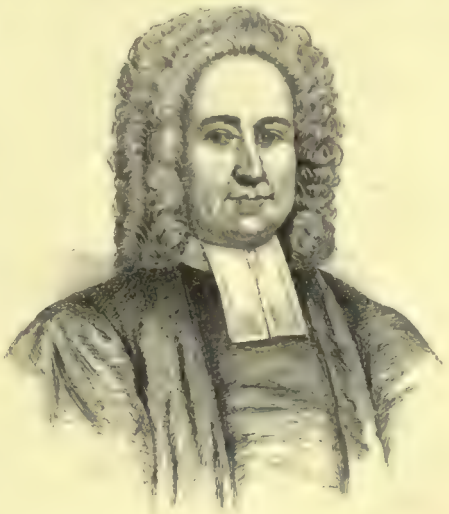
Domine Dellius had often been among the Mohawk and River Indians on missionary work, and undoubtedly had an influence among them. His description of them we have already given. Peter Schuyler, the great diplomatist in Indian matters, had yet more influence;

Pinhorne certainly had none. It was not gratitude for services rendered which induced the Mohawks to give away the best part of their lands to the five mentioned in that grant, and it should be enough to condemn the whole thing that Peter Schuyler and Major Wessels very soon resigned their share because of frauds in the purchase. Peter Schuyler has come down to us as one of the few men of standing in his day whose names were unspotted with dishonesty. Nor, in addition to that grant, can Domine Dellius be justified in his acquisition, individually, for a few knives and tobacco-pouches, of that other immense tract, covering so much of the northern part of the State. He had no family to leave it to; he had already traded with the Indians; and the indications are of a speculation of which not the province, but he, would reap the profit. Nevertheless, he was now on his way to add his clerical character and grievances to the weight of testimony against the Earl of Bellomont.

The Rev. Mr. Vesey's course might seem strange. A young man of twenty-five, only two years rector of Trinity, who had dined often with the earl and ridden with him in his coach-and-six, to whom and his church, of which he was a communicant and constant attendant, the governor had done substantial favors; nevertheless, immediately after the passage of that bill he turned against him. Let it be recalled that the lease of that farm to Trinity Church was merely for seven years. The church was to pay twelve pounds a year, and it sublet it for twenty-five; but it was no part of its property taken away from it by the bill. Yet Mr. Vesey immediately left the earl and his family out of the prayers; more than this, he prayed each Sunday for Domine Dellius by name, desiring God to give him a safe and prosperous voyage and great success with the king. Astonishing course for such a matter! The vestry, also, wrote to Archbishop Tenison, mentioning this very lease, and only this, as an evidence of Bellomont's intention to destroy the church. Mr. Vesey himself had been brought there by Governor Fletcher and Colonel Heathcote, great patrons of the church. This, to him, was an attack on them and on Trinity; he took fire at once and vehemently, as was his nature—a match that only needed rubbing; but principal, with Willett and others of the party, in the vestry was the inevitable, indefatigable Nicolls.

It will bring this topic to a close to say that they did not succeed in their principal object. They did delay and for the time prevent the approval of the bill. The earl himself did not live to see it approved. In 1705 Lord Cornbury induced the assembly to repeal the action of 1699, and to donate this land to Trinity Church. Again, however, it lacked the royal approval; and in 1708, Queen Anne "repealed and declared it null and void," and restored, with her approval, the Bellomont bill as he had framed it. That bill showed his nobleness—it for-

bade himself or any other governor to lease that particular farm and garden property for longer than his own term to the prejudice of his successor. Also, whilst the bill was under fire in England, and bad man as he thought Domine Dellius to be, he wrote that he did not wish his claim vacated unless all were vacated; it would not be just. The result to Mr. Vesey was that in 1700 the Bishop of London advised him to make his submission to the earl. He did it, and the latter promised to be his friend, "provided he behaved himself peaceably and discreetly for the future."



Will. Vesey.

On May 16, 1699, Bellomont prorogued the assembly, embarked for Boston on board a "little galley" which Lieutenant-Governor Stoughton had sent, and arrived the 26th—not a modern or model yacht. Another cold caught at sea, another fit of the gout, and long letters to write! But the Bostonians received him handsomely. An immense procession of military and citizens accompanied him—"such a vast concourse of people," says John Marshall in his diary, "as my poor eyes never saw the like before"; and, "to end all, fireworks and good drink all night"! Not "to end all," for on the 31st Rev. Increase Mather, for his brethren,—better representing Boston,—made him a fine address. It is not necessary to particularize this visit, but the contrast may serve as a side-light upon matters in New-York. The earl had been a year in New-York; he was fourteen months in Boston. Parties existed there as in New-York, the same trade laws prevailed, the merchants were a bold and outspoken class, there was a governor's council and a general court or assembly—to this extent the conditions were the same. Hutchinson says that as a presiding officer of the general court he was unparliamentary, would mingle in the debates, propose business, and frequently recommend bills he wished passed. Some of these the court refused to pass, saying "they were too much cramped in their liberties already, and they would be great fools to abridge, by a law of their own, the little that was left them." Such was their spirit. They would not increase by an iota the prerogatives of the crown. "Yet all was done good-naturedly, without giving offense," says Barry. And so popular was his Excel-

lency that during his stay the general court granted him twenty-five hundred pounds (about $8,000), a much larger sum than his predecessors had received or than fell to the lot of some who came after him. Hutchinson calls him a "hypocrite" in religion. Why? It was the custom of the general court to adjourn and attend in a body the "Boston weekly lecture," and he, although an Episcopalian, went with them and apparently enjoyed it. Moreover, he treated the ministers with marked attention and regard. In a word, the earl showed himself throughout affable, polite, and liberal; although he was too English and too good a servant of the crown to like all their ways. In return, rigid as they were, and sensitive to intrusion upon their liberties, he did not find "the hearts of the male inhabitants" (to quote scurrilous John Ward) "like their streets, paved with pebbles." What made the difference in his case between the two cities? Was the earl a different man in New-York; or was it that selfish greed of a class with whom he was obliged to interfere, and for which interference they hated and maligned him? Is it wonderful that, with consciously failing health, and until he knew whether he was to be sustained in England, he preferred to return to Boston, after a duty discharged in Rhode Island, rather than to go on to new conflicts in New-York?

Soon after his arrival in Boston, the governor was fortunate enough to capture the noted pirate Captain William Kidd, on July 6, 1699; and it permits us to return to the earlier subject of "privateers" and piracy, so closely connected with this history. And especially does Kidd's connection with Bellomont and the completeness of his history require a proper statement. In these days piracy had transferred itself from the older bucaneering centers to the Indian Ocean. One of the principal retreats of pirates was Madagascar. There they consorted with the dusky daughters of the island, and the descendants of such were there accidentally discovered many years ago. From this and other resorts they sallied out in search of plunder. Several of the Oriental nations had a marine of their own, and these they plundered, Moors, Armenians, and others; returning in due time to their island nests with the spoils thus accumulated, "Arabian gold and East India goods." How convenient to have rum and other necessities of their calling brought for them to Madagascar; in exchange for which, being sailors and not traders, they would, of course, give free-handed measures of gold and goods! For the trader, as things were with the officials, a few salable negroes, picked up on the way, would be tarpaulin enough to cover a cargo; the whole transaction was black. Evidently a ship loading for Madagascar was justly to be suspected, whatever the pretext made. Sometimes, however, the pirates themselves came boldly upon the coast. Even Penn's Quakers tolerated occasional visits because they spent their money freely. The

whole coast, from Rhode Island to the Carolinas, was honeycombed with places of stowage or markets for their goods. Sometimes they came to the city itself. So did Captain Thomas Tew, whom Fletcher found so companionable that he took him to drive in his coach, and whom he was so anxious to convert, and to whom he gave a book on the "vile habit of swearing"! This man was one of the worst, most daring and successful of all; he made a fortune and retired to Rhode Island, but again returned to his old pursuits and succeeded in getting himself killed. Ultimately, others of them settled down in Rhode Island, upon the south side of Long Island and in the Carolinas, and left reputable descendants.

SMITH ARMS.

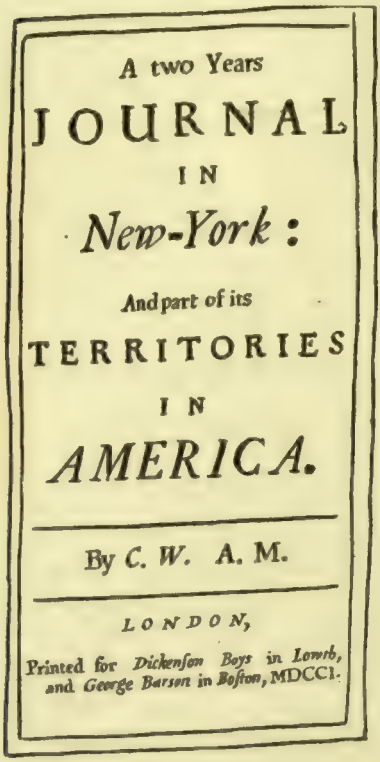
Out-and-out, unblushing piracy of this sort the merchants of New-York, or such of them as engaged in the Madagascar trade, did not commit; and the council were perfectly willing to condemn it. Had they thought of it sooner,—in 1696 instead of in 1698,—Tew might have been arrested, instead of walking their streets and dining so often at the governor's table. What the merchants did was to send traders under the name and style of "privateers," sanctioned by the governor, to Madagascar and the adjacent seas. Privateering against an enemy's shipping in war time has been practised by ourselves and other nations, but under conditions of proper adjudication of prizes, goods, and money. Outside of these restrictions it would be piracy. But the ships that went out from New-York were not in search of an enemy; they were bound regularly to Madagascar. And why were they not themselves molested in those seas, from which they invariably returned with rich cargoes? Their methods, upon reaching the coast, have been given in the preceding chapter, and we need not repeat them. We may say, however, that at the east end of Long Island, where lived Chief Justice William Smith (known by the sobriquet of "Tangier Smith," as he had been governor of Tangier, and to distinguish him from the later chief justice of the same name but different family), the revenue was clipped through loose practices even worse than in New-York. Yet these merchants, in and out of the council, with Colonel Bayard at their head, were highly indignant when Bellomont, who never minced words, bluntly called the transaction "piracy," "dealing with pirates"; and they declared that he "had vilely slandered eminent and respectable persons"! Of course it was an outrage and an insult to suspect such people, however evident the circumstances! But the earl himself must have thought that one company of these very merchants would hardly have offered him a large bribe to let them alone without good reason for so doing.

Once in the council, they turned upon him with the charge that he had actually set Captain Kidd afloat. He felt it keenly, for in a measure it was true. It was an *argumentum ad hominem* which, however, could not prevent his doing his duty. The earl's agreement in 1695 with Livingston and Kidd (who afterward turned pirate) has been introduced into a preceding chapter, but the full history belongs here. We may premise, then, that when he was captured that 6th of July, 1699, Kidd had not always nor for long been a pirate, not till that last fatal voyage which he began in 1696. In 1691 the assembly had paid him one hundred and fifty pounds for good public services, and he had distinguished himself in the West Indies. He had a comfortable home in Liberty street, New-York, an estimable wife, and a little daughter. He was himself a man of some culture, and up to the time of his disgraceful lapse there had been no manifest reason to suspect him. In 1695 he sailed for London. The Admiralty were in urgent need of a vessel to send against the pirates, whose depredations were causing them trouble; but the French war absorbed every ship. Some of them were understood to be from New-York, Rhode Island, and other colonies, and it was this that brought Robert Livingston and William Kidd so prominently into the scene. Livingston was at the time in London on his own business — a man whose Scotch pedigree gave him access to court circles, a man shrewd and capable of influence wherever he was. When Bellomont spoke to him of their difficulty and of the connection of these men with it, he suggested a privateer and Kidd as a suitable man to command it. After discussion by the king, Lord Somers, the Earls of Oxford, Romney, and Bellomont, his suggestion was adopted, the king himself offering to be one of the parties. These were the circumstances that preceded that agreement of Bellomont with Livingston and Kidd. By its terms it was to be a privateer expedition, commissioned under the great seal, against the king's enemies and pirates; Boston was to be the place for adjudicating prize-claims; and a regular bond was taken from Livingston and Kidd. Apparently Kidd was as strongly bound to fidelity as a naval officer, and, had he remained faithful, nothing would have been heard of it. Even as experienced statesmen, watched by adverse parties, they evidently saw nothing objectionable about the transaction. It was Livingston who by his strong indorsement of Kidd brought them into trouble. Perhaps had Bellomont known him better he would not so readily have trusted to it. Colonel Fletcher attributed to him the remark that "he had rather be called knave Livingston than poor Livingston." Certainly he kept industriously out of reach of the latter opprobrious epithet. He began as town clerk of Albany and Indian agent; and in twenty years, by loans to government, by contracts, by purchase

from the Indians and such means, had accumulated one hundred and sixty thousand acres of the best lands on the Hudson. In politics he was shrewdly variable: against Leisler; helping his son in England; for Bellomont, or against him, as the wind blew, as it might suit his interests. Not a man to trust implicitly. But, in this case, he was probably himself deceived in Kidd. He hoped to make money, and in the end, with the rest, lost his venture.

Captain Kidd started upon his voyage in October, 1696. Perhaps he distrusted himself; it is said he did not want to go. He sailed for New-York, where he increased his force by about a hundred men, but loitered for nearly three months. In an article published in Hunt's "Merchant's Magazine" for January, 1846, Mr. Henry C. Murphy has minutely traced his course. For a year no vessel was captured. He told his men he was lying in wait for the Mocha fleet. When it appeared it was convoyed by an English and a Dutch ship, and his attack was unsuccessful—his first leap into piracy! After a few less important captures, in December, 1697, he took an Armenian vessel of four hundred tons, the Quedagh Merchant, a prize worth £64,000, of which his own share was £16,000. Afterward he plundered the Banian merchants, and in May, 1698, took the Quedagh Merchant to Madagascar. For these outrages he was now publicly declared a pirate. From Madagascar he sailed, in a sloop he had bought, with forty men for New-York, evidently hoping to make a successful plea that some of his captures were French and that what was wrong his crew had made him do. He first put into Delaware Bay, June, 1699; then sailed round the east end of Long Island into the sound as far as Oyster Bay, and communicated with his family. Nearer to New-York he never came after turning pirate. There Mr. James Emott joined him, one of the counsel against Leisler, counsel for Bayard on his subsequent trial, a vestryman of Trinity, a person of standing. Kidd carried him to Rhode Island and landed him, with a mission to the earl at Boston for a safe-conduct. At Block Island his wife and little daughter came aboard. Thence he went over to Gardiner's Island, with whose owner he left part of his treasure, which was afterward given up to the authorities. Then he sailed for Boston, arriving off the coast on July 1. The earl's message to him was, that if "what Mr. Emott said was true," he might come ashore. It was his only way to get him ashore. He came at last, but could not clear himself; was arrested, and, after long waiting for a ship, was carried to London, where, a year afterward, he was tried and executed, May, 1701. Such is, in brief, the story of his really unsuccessful piratical career, out of which have grown ballads and many diggings for mythical "buried treasures" along our Atlantic coast, and in various rivers and bays.

How important to the earl his capture was becomes apparent from what was going on in England. There a fierce political battle was raging. Their enemies were trying to ruin Lord Chancellor Somers and the Earl of Oxford, Lord High Admiral, by impeachment before the Commons. One of the charges was passing Kidd's commission under the great seal. The delay of a week in apprehending him at Boston, the delay in getting him to London, were both made use of—they indicated partnership. Bellomont's name was freely used. The New-York agents seized the opportunity to press for his removal. But Bellomont himself sent the agreement and other papers relating to the case; and when it came to the vote, it stood 56 for acquittal to 23 against. We surely are entitled to quote as conclusive Lord Macaulay's deliberate judgment that none of the parties concerned "deserved serious blame"; that "their conduct was the very opposite of corrupt"; that they had "disbursed money largely" in the enterprise, "with the certainty that they should never be reimbursed unless the outlay proved beneficial to the public"; and that "on this subject there would probably have been no difference of opinion had not Somers been one of the contributors." As if, however, to try the metal and mechanism of his mind to the utmost, an unexpected blow fell upon Bellomont. Parliament was in a bad humor with the king. He had dispensed the Irish confiscated estates too freely among his favorites. Without any distinction between those enriched by "injudicious partiality" and those "sparingly rewarded" for services, they abolished all the grants. It nearly made a rupture with the king, but he at last yielded. This deprived the earl of one thousand pounds a year out of his income. It was a serious loss to him, but one borne with his usual reserve of feeling and uncomplaining dignity.

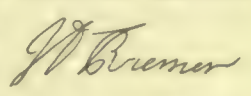

A two Years
JOURNAL
IN
New-York:
And part of its
TERRITORIES
IN
AMERICA.
By *C. W.* A. M.
LONDON,
Printed for *Dickenſon Boys* in *Lowth*, and *George Barſon* in *Boſton*, MDCCI.

FAC-SIMILE OF TITLE-PAGE.[1]

Stories from the other side, sent home and circulated, had their effect in elating his opponents with hopes of his speedy removal and in making the Leislerians timid. They were not sustaining him, as he

[1] The Rev. Charles Woolley published his journal of a residence of nearly two years in New-York city for the first time, it is believed, in the summer of 1701. EDITOR.

thought they should do, by representations counter to Dellius and the others in England. When he returned from Boston (by sea July 24, 1700) it was not a pleasant exchange of cities to him. It was a regular spinning-bee he had dropped into, where they spun all sorts of stories against him for the English market and kept their tongues buzzing spitefully at the same time. During a visit which Colonel Nicholson and Governor Penn made to him, they tried to reconcile matters between him and the merchants; but he said he had no advances to make unless they could prove that he had oppressed them in their trade contrary to law; and if the terms of reconciliation were to be his indulging them in unlawful trade and piracy, on those points he should be as "steady as a rock." So they continued implacable; but he had gained this much, that the Madagascar trade was apparently at a standstill and piracy on the wane—much to do for one man who had no ships to help him and so few reliable officials. The Admiralty sent no men-of-war to the East, nor any to the coast; the lords of trade or the lords justices gave him their orders, but as to the means left him practically unsupported. He had to create them as he could, without illegality or force, in the face of the most influential and strenuous opposition at home and abroad. Just at this time, as he wrote to the king, he would much prefer an honest judge and a trustworthy attorney-general to two ships of war. From Chief Justice Smith he could get little aid; he lived one hundred miles away, was rarely present at the council, and, thoroughly indisposed to whatever touched the late order of things. His natural adviser in matters of procedure was the attorney-general; but in his opinions Mr. Graham was as unsteady as a weathercock, one thing in the morning, another in the afternoon, and in him the earl had utterly lost his old confidence. Besides, although the earl was not aware of it, since Mr. Graham lived eight miles away and did not come to town, he was now really sick and near his end. Not knowing this, he removed him in January, only a few days before his death. But already the lords of trade had commissioned Mr. Atwood for the place of judge and Mr. Broughton to be attorney-general, although they did not leave England till after the earl's death. Just at this time, also, the lieutenant-governor was absent in Barbados; and, above all, in November he lost his best assistant as a public officer, the collector Stephanus Van Cortlandt. Under his good management the revenue had doubled. Although himself a great landowner, one allied by everything in and around him to his party, and therefore often opposed to the earl, yet of those who took part in Leisler's death, and with that one thing excepted, none has left so fair and honorable a record as Stephanus Van Cortlandt. By one of time's strange changes, with him in the



council before his death were Abraham De Peyster, so efficient with Leisler in the opening of the revolution; Dr. Staats, one of the condemned of Leisler's council; and he was now succeeded by William Lawrence, another of Leisler's council. Mr. Weaver took his place as collector of the port.

The burdens thus imposed upon and borne by the earl during his administration, and not less during the closing months, while he was being so "pushed at" in England and was so utterly uncertain of the result, may now be seen. When Hercules went forth to his celebrated labors, the gods gave him an outfit suitable to the tremendous task before him; but the club with which he won so many victories he cut with his own hand from the forest of Nemea. The gods at Whitehall gave the earl no outfit at all, simply sent him to New-York to do almost impossible things; and his only club throughout was his own inflexible resolution and integrity and energy. Shortly after his return, the assembly met. The session was short, not up to the earl's wishes in the matter of fortifying the frontier; but they passed an act which, perhaps, they thought answered as well and saved the money. It threatened the severest penalty of the law against Jesuits and Catholic priests who should come into the province. The reason of it was that Romanism meant France, and France meant Romanism; in the woods or in the province the presence of a priest was, therefore, to them the sure sign and fore leg of some new intrigue, some new danger, from France, in particular Canada. On August 10 the earl went to Albany. The Indians were slow in coming to meet him, and again the Jesuit was supposed to be the cause of it. When they did come they were sullen and out of humor, and gave him (as he says) eight days of the greatest fatigue he ever underwent in his whole life. We can imagine it: the elegant and well-dressed earl "shut up in a close chamber with fifty sachems, who, besides the stink of bear's grease with which they were plentifully bedaubed, were continually smoking or drinking drams of rum"! A surplus of perfumery worse than musk — enough to give him a fit of the gout! But the conference being ended, with presents on the one side and compliments to my lord and lady (who always went with him) on the other, they were eight days returning "in a little nasty sloop" which made his journey "extremely tiresome." The usual annoyances, and even greater, awaited him in New-York. His enemies were now quite sure of his recall, and acted accordingly. It is not at all probable that he would have been recalled during William's life, who himself at this time was being "pushed at" by the same sort of men and knew them well. But upon Queen Anne's accession he certainly would have been: Cornbury stood ready. The question was not to come up. Late in February, 1701, the gout attacked him severely. Notwithstanding, and imprudently, he dictated letters and

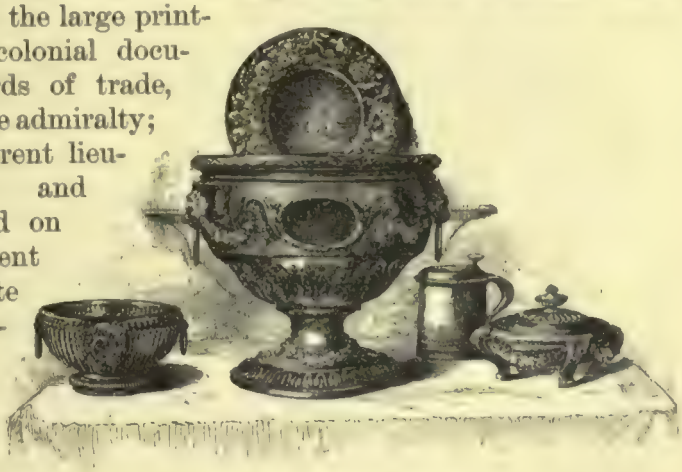
LORD BELLOMONT REVIEWING COLONEL ABRAHAM DE PEYSTER'S REGIMENT IN PEARL, THEN QUEEN STREET.

wrote one or two. Upon the 5th of March he died. Then, at least, by the grief it caused throughout the provinces, was seen how highly men whose self-interest and party prejudices were not concerned had appreciated his qualities. In Massachusetts a fast was proclaimed throughout the province. His remains were interred with becoming honors in the chapel of the fort at the Battery. When the fort was taken down and the Battery leveled, in 1790, the leaden coffin was respectfully removed and deposited in St. Paul's churchyard.

We close this survey with a summary of his character. Its dominant trait, as we conceive it to be and as history bears out, was sufficiently expressed in an early letter of his to the lords of trade: "A hearty lover of English laws and that values no Englishman that is not so"; and he declares it to be his chief design "to give the people here a just idea of English laws, that they bear the stamp of the highest authority of the King and nation of England, and ought to be respected as sacred." A loyal Englishman of the olden time, if ever there was one! That was the grain of the oak all the way through. A thorough Protestant, he believed fully in "the late happy revolution," and to his official superiors, as representing it and the will of the nation, and, therefore, to their instructions, he was as faithful and submissive as a dog to his master. For the same reasons and as part of the law, he would not manage elections nor interfere with "the rights and liberties of the House of Representatives." He would not allow of illegal traffic. But, after listening to the Boston merchants, it did not at all prevent his representing to the lords (as he did) how the acts of trade and navigation might be altered so as to remove all reasonable dissatisfaction and promote the "mutual advantage" of England and the colonies. A law-abiding conservative, he was in his tendencies a liberal one, open to reason and justice. And to this must be joined his inflexible honesty and firmness. But for this he might have lived on terms with the New-York merchants—had he been willing to shut his eyes or accept a bribe or let things go as they were. The simple trouble was that their greed and practices, and law and the earl's honesty, could not be made to run in harness together. Nor should we underestimate the courage and firmness it required in him to withstand their angry opposition. It was a small city. Some of these men had become for the time being colonial barons. Their wealth and estates and display, joined in some of them to official consequence, imposed upon people. Of course they had influence. They moved in a party, at a time when party spirit was rank, bitter, violent, and unscrupulous; and at such times men not personally open to charges of corruption are carried with the current to sustain persons and things they would otherwise not approve. It is the stronghold of wicked and designing men. It required a well-knit moral fiber and persistent courage to

enable a man to do his duty in the face of all this. He was slandering "eminent and respectable persons," they said. Nevertheless, neither their wealth nor acquired position nor names should influence history in its judgment of the case. The question before the earl, and now, was and is, the means by which they were obtaining this great wealth and ascendancy in the community.

In order of prominence must next be mentioned his wonderful energy—for his years truly such. Without the aid of a secretary, unless it may have been his estimable wife, and sometimes with a lame hand, what he wrote was immense: long letters, some of them covering many pages of the large printed collection of colonial documents to the lords of trade, lords justices, or the admiralty; letters to the different lieutenant-governors, and many others; and on how many different subjects: the state of the province, ex-Governor Fletcher, removals, land grants, acts of council and assembly, Indian affairs, fortifications, piracy and seizures, bedding and condition of the soldiers, accounts past and present, masts, tar, making salt and potash, and many other things! All these, matters personally investigated or considered by him, and then written about! And in the midst of what worries! At his age what constitution could long endure such a drain?



THE DE PEYSTER SILVER.

Amid such various labors; amid such hindrances thrown in his way; with so much information to be derived from sources reliable and sometimes unreliable; with even his attorney-general not to be depended on; with the necessity on his part of rapid thinking, rapid writing and acting: it would be wonderful if he never misjudged, made no mistakes. It is not to be supposed that he made none. Yet, in connection with his voluminous letter-writing, it is due to the subject to recur to one point at which we consider his real character misjudged. We refer to what has been called his intense hatred of ex-Governor Fletcher, his predecessor. The impression is derived from his own letters to the lords of trade, which are full of Fletcher's doings and misdoings. We have already alluded to his own words as a true description of him: "a hearty lover of English laws, and that

valued no Englishman that was not so"; and also to his feelings concerning the king and the lords of trade. To their superior authority and wisdom he submitted everything; whilst he also, as he said repeatedly, considered it right and due that he should communicate everything that might assist their judgment. And he was a wonderful correspondent: a typical Englishman, with his grumbles and feelings all at your service, all uttered frankly, freely, and without reserve, from "beastly" to "nasty"! Without revising, correcting, or copying, except necessary duplicates, everything heard, said, or done went down in those despatches to the lords of trade, about individuals and things, even to the "stink of bear's grease" and the "little nasty sloop"! Momentary feelings or suspicions, which the next letter might correct —as once in Livingston's case—they were all there. So frank, so outspoken, so English was the man; we may even say, so did he gossip to the lords of trade! And it was not merely what he remembered; he had a little note-book of sayings and doings, in which everything went down. What Mr. Graham said at the earl's dinner-table about land grants, but took back the next morning, was there to face him and to go to the lords as an instance of his unreliability. He had to do this, for his employments were various, and he was among enemies. Nevertheless, in what was really important, as in all removals, he took depositions and evidence, as by his instructions required, and sent them for final judgment by the lords.

In relation to Colonel Fletcher, this is to be considered—that he "valued no Englishman" who did not hold and uphold the laws as "sacred"; that the opposition he had himself met with from the very beginning came from maladministration of the laws; that a man of his unbending integrity and immense energy could but attribute "such abuses," in the language of his instructions, to "the remissness or connivance" of the governor; and that so feeling, it could but awaken his indignation. As he proceeded, there was nothing to mitigate, much to increase, his belief that Fletcher was not only remiss, but corrupt; and all this went into his correspondence with the lords.

His information, at times, may not have been trustworthy or sufficient as proof; run to earth, individual stories may have collapsed; but the general scope of that administration lay patent around him, in those land grants and many other things. We do not, therefore, accept everything in his letters as deliberate utterance or literal truth; but we acquit him of unreasoning and unreasonable prejudice. He had no reason to spare Fletcher or his own honest indignation. Yet if sometimes his phrases sound harsh, turn to the other side. They cultivated no amenities in those days; Fletcher himself exercised none. When it suited his turn to say so, both De la Noy and De Pey-

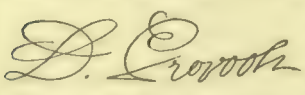
ster were "rascals." And they pursued Lord Bellomont with persistent misrepresentation, not to say hatred, both at home and abroad. If he was sometimes unduly suspicious of men and frank to utter it —as once in particular of Schuyler—in those peculiar days in New-York, how many of the men of station around him could he really trust? How many could William trust in England? Honesty was at a low ebb, and partizan morality a most uncertain and limited quantity. Only in spots might one bore for trustworthy integrity, with good assurance of finding it; it did not run through the town. One man the earl seems to have trusted implicitly, without being disappointed: it was Abraham De Peyster. We regard Lord Bellomont, then, as one of the very best, one of the most unselfish and purest, of the English governors. Whatever his especial faults, they belonged to a frank and honest nature. If he completed nothing in his own day, he planted seeds which were to ripen in the future, and then at the call of death went his way. It was the fall of a noble English oak, torn suddenly and prematurely from its place.

During the administration just closed incidents relating to the city proper were too few to require interruption of the main narrative; or, rather, that narrative was itself quite largely a picture of the city's interior life and morals. We now confine ourselves to matters therein till the coming of Lord Cornbury. It may at this point be said that physically the city was in good condition. Within the limits were some seven hundred and fifty houses, besides plantations and buildings outside upon the island; and (by the census of 1703) four thousand five hundred white inhabitants and seven hundred and fifty slave and free blacks. The buildings, says Madam Knight[1], who took a horseback ride from Boston, were mostly of brick, some of them glazed, of divers colors laid in cheques, and "looked very well"; inside, such as she saw "were neat to admiration"; and the ladies wore caps and "an abundance of ear-rings and other jewelry." For these many people two markets, one at the Bowling Green, the other at Hanover Square, supplied the meat; another, at Coenties Slip, the fish. Wells of water there were enough in the center of the streets; but being unpaved in the middle, in the absence of sewerage the streets, also, absorbed much that

[1] "Journal of a Journey from Boston to New-York, in 1704," from the original MS. New-York, 1824.

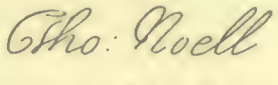
a board of health would not have called wholesome. Therefore it must be regarded as an important step in advance, not often noted, that in 1699 public scavengers were first appointed. It did not imply any immediate decline of the hog, nor, for many a long day, the absence of his portly and familiar figure from the streets. They served together as aldermen and assistant aldermen of the streets. When, during that year, the Brooklyn ferry was relet to Mr. Philip French, it is most curious to observe that the same legal tariff was continued—twopence each for a man and a hog, one penny for a sheep. Was it that (too common vice of the period) the men were usually "disguised with liquor" and equally unmanageable; or had they already discovered what a leading physiologist affirms, that "the common hog (*Sus scrofa*) is a creature especially suitable for comparison with man"? It is certain that, had the comparison been made with the soldiers of the garrison, the hog would have been found the better fed, better bedded, better treated and esteemed.

As of historical interest it is to be added that in 1699–1700 a new City Hall was built. The old "Stadt Huys" of 1642 was in such decay that courts and common council had already sought other quarters.



Mr. Abraham De Peyster and Colonel Nicholas Bayard at this time owned nearly the whole north side of Wall street in alternate sections; and one of these, facing Broad street, Mr. De Peyster now gave to the city. Lord Bellomont allowed some material to be used from the old fort; and, in 1699, Mayor David Provoost, who had succeeded Johannes De Peyster and was the brother-in-law of both Abraham and Johannes, laid the corner-stone. It was finished in 1700, and there in due time Washington was inaugurated. Nor should another incident of 1699, one of excellent import to the city, be passed by. It was the coming of Rev. Gualterus Du Bois as colleague with the now infirm Domine Selyns, who, indeed, died in 1701. Domine Selyns had been pastor of the Dutch church since 1682: as such painstaking, useful, and influential. The first charter given to a Dutch church was due to his efforts. As a Latinist and poet he had note beyond the province. As a poet, both in Latin and Dutch, and one of a most "nimble faculty," he exceeded both Steendam and Nicasius De Sille, the other (earlier) Dutch poets of the colony. But his course during the Leisler troubles, and those troubles themselves, produced alienations and divisions, which extended even to the calling of a colleague. Nevertheless, in 1699 Domine Du Bois began (in his twenty-eighth year) a ministry of usefulness and honor, conciliatory, prudent, and kind, which continued fifty-two years. The only other collegiate-church pastorate of such duration is the one of the Rev. Dr. Thomas E. Vermilye, the present senior pastor, who was installed in October, 1839, in his thirty-sixth year.

We now return to subjects which were speedily to engross the people. When the earl died (March 5, 1701), Lieutenant-Governor Nanfan was at the Barbados, nor did he arrive till May 19. Meantime the government devolved upon the council, of whom at the first only four were in town, viz.: Abraham De Peyster, Dr. Samuel Staats, Robert Walters, and Thomas Weaver. When Chief Justice Smith arrived, followed soon after by Robert Livingston and Peter Schuyler, an acrimonious squabble arose over the presidency. The chief justice, supported by Livingston and Schuyler, claimed it by right of seniority, whilst the majority said it should be decided by vote. Livingston is again back with his old party associates. The difficulty itself the chief justice attributes to the influence of Weaver. But under the wing of that dispute new party quarrels were being fledged. Each side distrusted the other, and each side sent home its own report of matters to England. For the present the Leislerians had the ascendancy both in the council and (when it met) the assembly. The margin, however, was narrow, the situation one to evolve increasing heat and contention, without a head or hand of sufficient authority to quell or restrain rising passions. Even when Nanfan arrived, he was a young man, merely a captain at the fort, not entirely ignorant of his duties, since, during the earl's absence in Boston, he had acted as lieutenant-governor under his directions; but not of force enough for the emergency. With this explanation we may now advance to the arrival of Chief Justice William Atwood, on July 24, a very important and influential figure in what remains of this history. He was not an unknown man in England; on the contrary, a writer of learning on political subjects of the day, well read in the law, a stanch Whig and upholder of the rights of Parliament. His last publication was in 1704, and he seems to have died in England in 1705. As he was a rigid judge in admiralty, with Weaver as the collector, he was not popular, nor was Weaver,—perhaps no man could be. But as he took the place of Chief Justice Smith and acted with the Leislerians, and as neither Smith nor Livingston nor Schuyler appear again at present, it made the council a unit in all subsequent proceedings, with Atwood and Weaver evidently the leading personages.



In October occurred the annual election for mayor and aldermen. It was a most remarkable one even for New-York. The common council of that period consisted of the mayor, recorder (Mr. Gouverneur), six aldermen, and six assistant-aldermen. Mr. Noell, anti-Leislerian, was appointed mayor without dispute; but for aldermen and assistants, every alderman returned the candidate of his own side as elected. Three wards were not disputed and three were; the latter being Leislerian and the candidates for aldermen Johannes De Peyster, David

Provoost, and Nicholas Roosevelt. At the usual time for the meeting of the new council, the contest began. The Leislerians had themselves previously sworn in by Mr. De Riemer, the retiring mayor; the others were sworn in by the new mayor. As the mayor refused to sit with the Leislerians returned elected by the aldermen but not sworn in by himself, and as there could be no legal scrutiny of the vote except by order of the council, the city government was at a standstill. In this dilemma the mayor himself appointed a committee of four in each of the Leislerian wards to canvass the vote; but as the two Leislerians in each refused to serve, the other two reversed the vote to their own side. Those reported by them were sworn in, whereupon both parties seated themselves upon the official benches, making twenty in all; and, to prevent imminent trouble, the mayor adjourned the meeting for a fortnight. It was late in December before the council could organize, and then only through a decision of the chief justice in the Supreme Court, which left the parties evenly divided.

JACOB STEENDAM.[1]

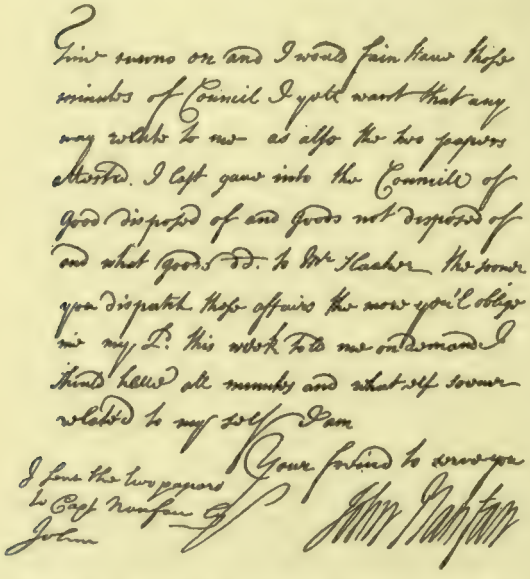
Scarcely had the flame and heat of this conflagration subsided when another began, this time involving the court itself. It was the trial, conviction, and sentence of Colonel Nicholas Bayard (with Alderman John Hutchins, of less account) for high treason—the culminating scene of these years of party strife. The occasion of it may be thus briefly stated. Early in June, 1701, King William had appointed Lord Cornbury, a cousin of Queen Anne, to be governor. His arrival was delayed till May 3, 1702, but his appointment was known. It gave fresh impulse and hope to the anti-Leislerians, as the city election had just shown. It was thought by them a good time to send petitions or addresses to the king, Parliament, and my Lord Cornbury—addresses of the old partizan sort, which in an ordinary political contest might simply have been met by others. But this was not an ordinary contest. Moreover, it was two hundred years ago. Certain sentences in the addresses seemed hooks strong enough on which to hang an in-

[1] Jacob Steendam was a native of Holland, and came to this city in 1632, at the age of sixteen. He owned houses in Broadway and Pearl street. His principal poems are entitled, "Complaint of New Amsterdam, in New Netherlands, to her Mother of her Beginning, Growth and Present Condition," and "The Praise of New Netherland." They were translated and published at The Hague, with a memoir of the poet, in 1861, by Henry C. Murphy, and later were included in his anthology of New Netherland, issued by the Bradford Club of New-York. EDITOR.

dictment of Bayard, as being "scandalous libels" against the government past and present, and adapted to make it "vile and cheap"; and particularly since among the numerous signatures were the names of about thirty soldiers of the garrison, who had been "drawn in" with many others to sign these papers. It was, in a word, inciting to a seditious spirit, and in this way disturbing the peace and quiet of his Majesty's government. Now it so happened that in 1691, after Leisler's execution for high treason, Bayard had himself procured to be passed by the assembly (and approved by the king) an act which said that "whatsoever person or persons shall by any manner of way or upon any pretense whatever endeavor by force of arms or other ways to disturb the peace, good and quiet of their Majesties' government as now established shall be deemed and esteemed as rebels and traitors unto their Majesties and incur the pains, penalties and forfeitures as the laws of England have for such offenses made and provided." Those "pains and penalties" were as yet barbarous, cruel in the extreme; but the law was of Bayard's own procurement—a man now in danger, as it seemed, of being guillotined with his own invention. We have his son Samuel's declaration that Atwood and Weaver "drew in the rest" of the council to his prosecution under this act, but for which, he says, "we had not been in this condition." Strange! These were Englishmen, Atwood only six months in the colony and its chief justice. Of Weaver we only know that he had come over with the earl, had been intrusted with some law cases, had been sent to England as government agent, and had stayed there three years, much to the earl's dissatisfaction. He had only returned to replace Van Cortlandt as collector, and had been in the council a year. These men, at least, had no such terrible reason for hating and pursuing Bayard in this way as had, for instance, Walters and Dr. Staats. What was their motive? Proceedings were not pushed unduly. It was January 21, 1702, when Attorney-General Broughton (who had come over with Atwood) was asked for his opinion on the case. He was not in sympathy with Atwood and Weaver, and his opinion was that no crime had been committed. It was February 19 before the court sat—a special Court of Oyer and Terminer, with Chief Justice Atwood presiding, and De Peyster and Walters lay judges. Meantime Bayard was in jail, and Lord Cornbury on the sea—he might arrive any day.

It is now to be said of this celebrated trial, that, as Mr. Broughton refused to appear, Mr. Weaver was appointed solicitor-general for the government; that the judge refused to have notes taken except by the solicitor and counsel; and that we have no official account of it, nothing but a collection of "memorials taken by divers persons" (Bayard's friends) "privately." It is simply their memory assisted by notes, compared and collected, and printed by order of Lord Cornbury at

the petition of Bayard! The account in Howell's "State Trials" is merely a repetition of this paper as put forth by Bayard—like so many of the papers of the time, not an account to be relied upon as doing justice to both sides. Bayard certainly had an object of importance to himself in publishing it. It is not a layman's place to review either the law or the evidence. It may be said, however, that Mr. Emott and Mr. Nicolls, for the defense, conducted it with evident ability and legal knowledge; whilst the chief justice especially, whether right or wrong in his rulings and procedure, showed himself very ready in the law. De Peyster and Walters, as lay judges, took no part except to agree with the chief justice. It is on record that neither Atwood nor Weaver made a successful defense when they reached England; and the testimony, as given, seems of the flimsiest kind. How flimsy the evidence sometimes taken in that day, and what liberties were taken by judges, is known. But the trial was not hurried, it was long; the jury were out for many hours, and more than once asked instructions of the judge; and it was not till March 9, at 3 P. M., that they returned a verdict of guilty.



AUTOGRAPH LETTER OF LIEUT.-GOVERNOR NANFAN.

A week's interval, and Bayard asks for a reprieve till the king's judgment can be obtained. This transferred it to the lieutenant-governor and council. It recalls how, ten years before, two prisoners, under similar circumstances, had made the same request; that the governor (Sloughter) had granted it; but that the council, and Bayard among them, had voted their immediate execution; that at Bayard's house was the governor induced to sign the death-warrant; and that within two days thereafter they had been executed, under the same barbarous and abhorrent law of England. It was the origin of the Leislerian party. For all that, Bayard had never expressed a regret; he had even secured additional colonial legislation to increase the power of the acting government in such cases. That the gun thus aimed at others might recoil upon himself he evidently never dreamed; and assuredly he never meant to expose himself to the penalties of

high treason. He was not the man to put his neck within the reach of that noose. Now, however, it is his own turn to ask reprieve—the irony of fate upon a vindictive man. At this point the lieutenant-governor, Nanfan, first comes prominently into view. He sends word to Bayard that he should have no reprieve unless he made voluntary confession of his offense and begged pardon. It was March 17, and Cornbury certainly on his passage; a ship had already arrived which he was to follow in a week. What was the real object of the council? We can only form an opinion from Bayard's own publication of events. From the sheriff he learns that De Peyster and Walters had refused consent to his sentence until the lieutenant-governor had promised to grant a reprieve if due application was made for it; he now regards it as meaning that he should falsely accuse himself. On March 19 he sent a second petition; but the lieutenant-governor was not satisfied, and had the clerk of the council draw up a proper one. This he copied (as he says), but it was again rejected. March 20, Atwood sends him word that unless his petition was a confession, he should have no reprieve; and the same day the sheriff told him that Weaver had told Atwood that the people were hot for his execution. Then the sheriff tried to persuade him to yield, but he refused. March 24, he again had word from the lieutenant-governor, through his son, that, unless he confessed, execution should soon be done; and on the 25th the sheriff again tells him that the lieutenant-governor was being "feasted" night and day, and it was feared that through his intemperance he would be prevailed upon to sign the death-warrant. On the 26th his son waited on the lieutenant-governor, and was told that unless he confessed the warrant would be signed the next day. During that day he sent for Domine Du Bois to ask his counsel whether it was safe to sign a confession under such circumstances, and was told no. But it is pleasant to find Domine Du Bois now doing as Mr. Daillè did for Leisler, but as Domine Selyns and Mr. Pieret did not then do—he went to the governor, and at his request, so he was told, the signing was put off another two days. On the 28th the Domine told him that several of the council, probably De Peyster, Staats, and Walters, who were his people, had assured him that if, even in general terms, he would confess his offense, he should be reprieved; but to this Bayard said it was all trick and fraud to expose and ruin him, yet to save his life, if possible, he would draw another and comply with what the council told him, so far as he safely could. He then inserted a clause in his petition, which Domine Du Bois presented; but the next day he returned with the news that it had been rejected as a reflection upon his sentence. A fifth petition of the next day (March 29) was unsatisfactory; but at the request of Domine Du Bois and Mr. Pieret, the signing of the warrant was again deferred another two days. Mr.

Vesey had been very vehement during the trial; had, therefore, taken a vacation in New Jersey, and was not with the other ministers. At this time, however, as Bayard was informed, his execution had been fixed for Easter Monday. Therefore, March 30, by Mr. Emott's advice, he added another paragraph to his petition. With this the lieutenant-governor was at first satisfied, but Mr. Atwood intervened, and it was sent back; and then, "in consternation and confusion of mind," as he says, "with much regret and many protestations," "in hopes to save his life from the hands he was in," he altered his petition into a confession, whereupon he was reprieved, and his confession immediately printed and published. The struggle had continued a fortnight. Would they have proceeded to extremities had he not confessed? Would they have allowed revenge and retaliation such scope? We cannot say. It was two hundred years ago. Human life was held at a minimum; forgiveness and even clemency were virtues scarcely in vogue; even the courts knew nothing of the old Roman maxim, in doubtful cases prefer the milder (*benigniora*). Owing to Bayard's instrumentality in Leisler's death, and to later exasperations, half the community would have thought his death a righteous retribution. The chief justice, on his part, was apparently the very man to sustain his sentence to the end as just and right in law. Weaver was with him; and to a less degree, yet under their influence, Nanfan. Thus far De Peyster had been moderate in his partizanship. It is true that, before his sentence, Bayard had written him a letter accusing him and his family of seeking his blood. But there is no evidence that De Peyster, or Staats, or Walters, was virulent against him to that extreme. Perhaps they knew the man; once before, in Leisler's time, he had weakened and confessed his error after only two days' imprisonment. It is certain that Atwood and Weaver were the ones whom Cornbury pursued as chiefly responsible, that he imprisoned Nanfan for eighteen months, but only removed the others from the council. Surely it was too hazardous a game to urge to that result, too dangerous a weapon to place in the hands of their enemies, and with Cornbury coming! We can only close the chapter by saying that during their brief enjoyment of power, neither had the Leislerians shown themselves, as a party, capable of exercising it for the good of the

[1] One of a pair presented by Bellomont to Col. Abraham De Peyster. EDITOR.

community. The passions of both sides were too hot, their feud as yet too bitter. They needed discipline of a new and effective kind; and for that we must leave them to Lord Cornbury—yes, we may safely leave them to my Lord Cornbury!

BURGOMASTERS OF NEW AMSTERDAM.

1653—Arent Van Hattem.
Martin Krigier.
1654—Arent Van Hattem.
Martin Krigier.
1655—Oloff Stevensen Van Cortlandt.
Allard Anthony.
1656—Oloff Stevensen Van Cortlandt.
Allard Anthony.
1657—Allard Anthony.
Paulus Leendersen Vandiegrist.
1658—Oloff Stevensen Van Cortlandt.
Paulus Leendersen Vandiegrist.
1659—Oloff Stevensen Van Cortlandt.
Martin Krigier.
1660—Martin Krigier.
Allard Anthony.
1661—Allard Anthony.
Paulus Leendersen Vandiegrist.
1662—Oloff Stevensen Van Cortlandt.
Cornelius Steenwyck.
1663—Oloff Stevensen Van Cortlandt.
Martin Krigier.
1664—Paulus Leendersen Vandiegrist.
Cornelius Steenwyck.
1665—Oloff Stevensen Van Cortlandt.
Cornelius Steenwyck.

In this year Governor Nicolls changed the municipal government to the English form, and Thomas Willett was appointed mayor. In 1673 the Dutch regained the province, and for a year the burgomasters were restored. Thus, in

1674—Johannes De Peyster.
Johannes Pietersen Van Brugh.

MAYORS OF NEW-YORK.

Thomas Willett (1665–1667), the first mayor of this city, was originally a member of the colony of the Pilgrims at Plymouth, having arrived there from England in 1629. He soon thereafter entered upon an active trade with the colony on the Hudson, by means of the navigation of the Sound, owning and commanding vessels that plied constantly between Plymouth and New Amsterdam. In this way he acquired a perfect knowledge of the Dutch language, and became favorably known to the Dutch citizens. At the time of the English conquest in 1664, he seems to have been a resident of New Amsterdam. The prudent Nicolls allowed the municipal forms of the former régime to continue for nearly a year: then burgomasters and schepens were resolved into mayor and aldermen. Further to soothe the minds of the conquered even then, Captain Willett was selected by the governor to be the first English mayor, by reason of his knowledge of the Dutch language. He occupied the office until 1667. His experience after the recapture by the Dutch in 1673, his death and place of burial, with illustration of grave-stones, are noted in 1: 358 of this work. Colonel Marinus Willett, mayor in 1807, was his great-great-grandson.

Thomas Delavall was mayor of New-York in the year 1666, again in 1671, and for a third time in 1678. He held the rank of captain in the English army, and as he appears as a resident of New-York only after its seizure in 1664, it is to be presumed that he took part in that enterprise. Records of his purchases of property locate him first at Harlem, and later as the owner of nearly the whole of Great Barn Island, near Hell Gate. Still later we find him nearer the heart of the future city. Seven acres of land, upon which stood an excellent cherry-orchard, in the vicinity of the present

Franklin Square, were purchased by him for one hundred and sixty guilders ($64). It is readily perceived that the origin of the name of Cherry street is to be looked for in this orchard of the mayor's. Engaging in mercantile business, and owning a mill (which the bolting monopoly made a profitable investment in those days), the mayor acquired great wealth. He therefore still continued to increase his real estate, and in 1672 he bought the house built and owned by Secretary Nicasius De Sille, on the east side of Broad street, corner of Exchange Place (for illustration, see 1: 513). One of his daughters married William Dervall, who was mayor in 1675 (see below). Mayor Delavall was highly esteemed by both the Dutch and the English citizens. His prudence and conciliatory spirit did much to soften the irksome yoke of a foreign power, under which the Dutch chafed, albeit it was largely by their voluntary or unresisting assumption of it that it had been imposed at all.

Cornelius Steenwyck was mayor of the city in the years 1668 to 1670, and again in 1682 and 1683 (see, for his portrait and autograph, 1: 349). As his name plainly indicates he was a Dutchman, and the fact of his appointment shows the extent to which the English authorities were willing to go to conciliate their Dutch subjects. It also manifests that he enjoyed the entire confidence of his superiors; for not only was he made mayor of the little city, but in Governor Lovelace's absence he was appointed acting governor of the province. As an evidence of his loyal spirit and a specimen of his use of the English tongue, there is on record his speech when an appeal was made to the citizens to aid the work of fortifying the town, to which many of the Dutch objected. "As the governor has been pleased to put the Honorable Mayor and Aldermen for to look to the best of the town and the inhabitants of t' same, what they sall think fit and necessary for the best thereof, he being but ordered sall always be found a willing and faithful subject." His business was that of a general merchant or storekeeper, his wealth became considerable, and he was a generous supporter of the Dutch Reformed Church. His widow afterward married the Rev. Henricus Selyns, the prominent pastor of that denomination. Steenwyck occupied a substantial house on the southeast corner of Bridge and Whitehall streets, elegantly furnished for those days. The dwelling- or "living"-room (*woon kamer*) is thus described: it was "furnished with twelve rush leather chairs, two velvet chairs with fine silver lace, one cupboard of French nutwood, one round table, one square table, one cabinet, thirteen pictures, a large looking-glass, a bedstead [no doubt sunk into the wall as usual, and thus taking away no space from the room], five alabaster images, a piece of tapestry-work for cushions, a flowered tabby chimney-cloth, a pair of flowered tabby window-curtains, a dressing-box, a carpet." (For picture of the house, see 1: 353). Mayor Steenwyck died in 1684.

Matthias Nicoll was mayor in the year 1672. He was an Englishman, the son of a clergyman of the Established Church. It is uncertain when he came to America, but there is some reason to believe he was in New-York several years before the conquest. The latter event, however, first brought him into prominence, and he was made secretary of the province. He appears to have been possessed of some legal training or learning, for he had been appointed to preside at the Court of Sessions before he was honored with the mayoralty. He was mayor for only a single year, after which his legal experience was again brought into requisition, he being appointed one of the judges of the Supreme Court in 1683. He died on his estate on Long Island, near Cow Neck. As his native place was Islippe, Northamptonshire, England, the origin of that name on Long Island is evident, large tracts of land having being purchased by Nicoll. His son, William Nicoll, was speaker of the provincial assembly for about sixteen consecutive years.

John Lawrence was mayor in 1673, and again in 1691, exciting events signalizing both years. the former memorable for the recapture of New-York, the latter for the execution of Leisler. Mr. Lawrence was an Englishman, but was early a member of

the Dutch colony, receiving with others a grant of land on Long Island, embracing the present village of Flushing, from Director Kieft. He owned a small trading-vessel called the Adventure, with which he carried on a profitable business with the towns along the Hudson River as far as Albany, and with those on both sides of Long Island Sound. When he came to reside in the city he built a house on the Hoogh straat, later Queen, now Pearl street, between Hanover Square and Wall street. In front of him was the river, and the shore just here was protected by the "Schoeyinge," illustrated and described on page 297 of the first volume. Mayor Lawrence attained the age of eighty years, dying in 1699. By a comparison of the family tree it is seen that no lineal descendants of his bear his name. The only son who left issue was Joseph, his oldest, who left a daughter. But as two brothers accompanied him to America, the name was perpetuated through their posterity. During his mayoralty the population of the city reached 3000.

William Dervall was mayor in 1675. As already noticed, he married a daughter of Mayor Delavall, through whom he inherited large property in Harlem, and the Great Barn Island in the East River. But his wealth was considerable before this accession of fortune. He was one of those many enterprising "Yankees" who have ever found it more to their profit to settle in New-York than to remain in Boston, from even the earliest colonial times till the present day. In 1667 he and his brother John set up a store in Whitehall street near Pearl, which was the most elegant one in the city, making a handsome display of dry-goods, and attracting much custom.

Nicholas De Meyer was mayor in 1676. The city then numbered about 3500 inhabitants. He was the second of Dutch birth to whom the mayoralty was intrusted by the English authorities. He came from Holland while he was still a very young man. In 1655 he married a daughter of Ensign Henry Van Dyck, who distinguished himself for bravery and energy in the Indian wars under Director Kieft. Like Mayor Lawrence, he lived opposite the "Schoeyinge," in the present Pearl street, then Hoogh straat (High street). Under the Dutch régime he had a seat in the town government as one of the schepens, holding that position at the time of the conquest. After that he served frequently as alderman; indeed after the granting of the Dongan charter, which provided for assistant aldermen from the several wards, he acted in the latter capacity in spite of the fact that he had occupied the chief magistracy. His trading operations extended to Albany, and he acquired large estates on Manhattan Island. He is said to have owned property in England and Holland also. He died in 1690, left six children, and one of his daughters married Philip Schuyler of New-York.

Stephen Van Cortlandt was mayor in the years 1677, 1686, and 1687. His appointment, too, must have gratified the Dutch element; besides, he enjoyed the distinction of being the first native American who occupied the mayor's chair. He was the son of Oloff Stevensen Van Cortlandt, prominent in social and official life in the time of Governor Francis Lovelace, and a burgomaster under Stuyvesant. In 1671 Stephen Van Cortlandt married Gertrude Schuyler of Albany, and erected a dwelling-house on the "Waterside" (*'t Water*), now the block in Pearl street from Whitehall to Broad. When he was first appointed mayor, in 1677, he was only thirty-four years of age. As was noticed in the previous volume of this work, he figured prominently in the Leisler troubles on the side of the royal council, of which he was a member. On the appointment of a mayor (Peter De Lancey) by the Leisler faction, Van Cortlandt refused to deliver the city seal. "A committee waited on him at his residence, but his wife shut the door in their faces." The vicinity of Maiden Lane and Cortlandt street, on both sides of Broadway, was the site of a large part of his property in the city; he also owned a farm near the Collect, or Fresh Water Pond. The principal possession with which the name of Van Cortlandt has become identified was the manor reaching along the Hudson from Yonkers to Peekskill. He died in 1701, leaving a widow and eleven children. His son Philip succeeded him in the council of the province.

François Rombouts was mayor of the city in the year 1679. He was born in France, but came to America and settled at New Amsterdam at so early an age that he became completely identified with the Dutch. He was engaged in trade, and reasonably successful in it, although not ranked among the wealthiest citizens. His fortune was estimated at ten thousand dollars, enough for a comfortable competence in those days. Before and after he became mayor he held the position of alderman several times. When the city was divided into wards he represented the West Ward, as his house was situated therein, being on the west side of Broadway near Rector street. His garden ran to the North River shore. Mayor Rombouts was made a justice of the peace before his death, which occurred in 1691. He left but one child, a daughter, who married an Englishman by the name of Roger Brett. His lineal descendants to-day, therefore, bear that name. They include Captain Walter Brett of Fishkill-on-the-Hudson, long and honorably identified with steamboat navigation on the Hudson, and his nephew, the Rev. Cornelius Brett, D.D., pastor of the historic Bergen Reformed Church of Jersey City.

William Dyre was mayor in 1680. He was an Englishman, and settled in New England before the middle of the century, engaging in trade. His first connection with the history of New-York was in the capacity of an enemy. In 1653, when the republic of Holland was at war with the English commonwealth under Cromwell, Rhode Island sent an expedition to reduce New Amsterdam. Captain John Underhill, who had once led the forces of the Dutch in the Indian wars, commanded the land forces, and Captain Dyre was given the charge of the naval force. New Amsterdam was too well prepared for their attack, however, to make it prudent to attempt it. After 1674 Captain Dyre became a resident of New-York, his house being situated on the Damen property, on the east side of Broadway, above Wall street. A few years after he was mayor he left the city and took up his residence in Jamaica Island, West Indies, where he died in 1685.

Gabriel Minvielle was mayor in 1684. Either by birth or descent he was a Frenchman; but at a very early age he was living in Amsterdam, Holland. In 1669 he established a mercantile house in New-York, engaging in trade principally with the West Indies. He married a daughter of Mayor Lawrence, but he died in 1702 without issue to survive him, and the name became extinct in New-York. His brother Pierre is the ancestor of the Virginia Minvielles. His residence was on the west side of Broadway, nearly opposite the parade-ground, now Bowling Green. Part of the large garden fronted on the street. Mayor Minvielle was one of the six captains of militia, of which Leisler was also one, who in that troublous period took turns in commanding at the fort when the royal council had been set aside. He afterward deserted the cause of Leisler, upon the arrival of Governor Sloughter was appointed one of the council, and voted for Leisler's death (see Chap. 12, Vol. I, of this work).

Nicholas Bayard was mayor in 1685. He is so prominent a figure in the provincial and municipal history of his time that very little remains to be said in this notice. His residence was in the Hoogh straat, now Stone street, on the northern side and near Hanover Square. He at first rented the place, but bought it subsequently for twenty-seven hundred guilders (a little over $1000). A farm of about ten or twelve acres, north of the Fresh Water Pond, was owned by him. His descendants added to these lands until the Bayard farm embraced nearly all that part of the city now bounded by Bleecker, McDougal, and Canal streets, and the Bowery. It is a well-known fact that he was a nephew of Director Stuyvesant, his mother being a sister of the latter. He was born in Holland (see illustration of birthplace, opp. 1:583), came to New Amsterdam in 1647, and died in 1707, when about sixty-three years of age.

Peter Delanoy was mayor in the years 1688 and 1689. As his name indicates, he was of Huguenot or Walloon extraction, but his ancestors had settled in Holland, and, with a brother, he emigrated thence to New Amsterdam when the Dutch rule still pre-

vailed there. His brother, whose name was Abraham, came first, in 1651, in charge of a consignment of merchandise sent by Jacob Verplanck, a merchant of Amsterdam. In 1656 Peter followed his elder brother, and, also engaging in trade, prospered greatly and became the possessor of considerable property. His residence and place of business was near the corner of Whitehall and Pearl streets. In the times of Leisler he warmly espoused the cause of the latter. In accordance with the principle of democratic rule then put into practice in provincial affairs also, the people were given the opportunity to elect their mayor. Peter Delanoy was chosen by a large majority both in 1688 and in 1689. He was the first mayor of New-York to be thus raised to this dignity; and there was no election to the mayoralty after him until the year 1834. The population of the city was then about 3500.

Abraham De Peyster was mayor from 1691 to 1692 and again in 1693. The name had been identified with the municipal government from the earliest days of the incorporation of the city, his father, Johannes, having been schepen and burgomaster at various times, and in 1677 being appointed deputy mayor. On his death he left four sons, Abraham, Isaac, Johannes, and Cornelius. Of those Abraham and Johannes became mayors of New-York. Abraham carried on his father's mercantile business, and acquired large wealth. The paternal mansion stood first in the Winckel street, running parallel to Whitehall street from Stone to Bridge, about midway between Whitehall and Broad, now no longer in existence. Afterward the elder De Peyster established himself on the east side of Broad street, between South William and Beaver streets. But when wealth accumulated Abraham De Peyster built a handsome mansion on Queen (now Pearl) street, opposite Cedar (for illustration, see page 37). Mayor De Peyster was one of the captains with Leisler, remaining true to him to the end. He was therefore greatly esteemed by Lord Bellomont, and their relations have been described on a previous page. In his famous mansion he lived in luxurious style, his household service consisting of five male negroes, two female negroes, and two negro children. He was chief justice of the province and president of the council at the death of Bellomont, and thus was acting governor until Nanfan arrived. He was appointed, as will be seen, treasurer of the colony when the assembly could no longer trust its funds to the hands of Lord Cornbury. Infirmities of age compelled him to resign the position in 1721, whereupon his son Abraham succeeded him, holding it until 1767. Mayor De Peyster died in 1728. During his incumbency the city's population rose to 4000.

Charles Lodowick was mayor in 1694. His name, too, recalls the Leisler agitation, he being one of the six captains who commanded the fort in turn before sole authority was placed upon Leisler. He took a bold and active part in the earlier stages of the dispute. When it came to his turn to guard the fort, he sent a sergeant to demand the keys from Lieutenant-Governor Nicholson. On the latter's refusal Lodowick marched his company to the City Hall, where the council was in session, and the keys were surrendered. Though his participation in affairs was less prominent further on, he remained loyal to Leisler. It speaks well for him therefore that under Fletcher he received the appointment of mayor of the city. His father was captain of a ship engaged in distant foreign trade. The mayor established a mercantile business in New-York, and his connections extended to almost every foreign port of prominence at that time. In the militia he rose to the rank of lieutenant-colonel, and took part in Fletcher's Canadian campaign of 1697. Some time after his occupancy of the mayor's chair he removed to England, where he died.

William Merritt was mayor in the years 1695, 1696, and 1697. He was originally captain of a ship, but settled in this city while still a young man in 1671. He was able to purchase a house and lot, situated on Broad street, between Stone and Marketfield streets. Here he opened a store for the sale of general merchandise, was successful in business, extended it continually, and attained wealth. He purchased a large parcel of land near the present Chatham Square, and he must have made his residence there,

for after the Dongan charter had divided the city into wards, he was elected alderman for the Out Ward, in 1687. He returned to the lower part of the city, however; for later (1691) he represented the Dock Ward. His house there was one of the finest at that day, but its location is not exactly stated. He took the opposite side in politics to Leisler, and this may account for his superseding Mayor Lodowick, and holding the place by Fletcher's appointment three years in succession. Leisler caused him and his son to be imprisoned for twenty-one days. He took part in Fletcher's Canadian campaign. We find his name among the petitioners for the building of Trinity Church, and he and his son were chosen vestrymen in 1697. He removed to Orange County, and in 1702 was a justice of the peace there. He seems late in life to have once more followed the sea, as he was appointed to pilot duty in 1706. In 1708 he died, at the age of sixty-eight.

Johannes De Peyster was mayor in 1698. As already seen, he was a younger brother of Abraham De Peyster. He married a daughter of Gerrit Bancker, a rich Indian trader and fur merchant of Albany. After Mr. Bancker's death his widow moved to New-York, and on her decease an inventory of the estate was made, and is still on record. It is interesting to note the list of books: "One Bible with silver clasps; two Dutch Bibles; one other small Bible with silver clasp; one New Testament with silver clasp; two Catechisms; one Isaac Ambrosius; one House Wifery; one Horin's Church History; one Flock of Israel, in French; one Coelman's Christian's Interest; three volumes Christ's Way and Works; one De Witt's Catechism; two Duycker's Church History; one Cudemans on Holiness." It was Mayor De Peyster's duty to do the honors of the city for the Earl of Bellomont on his arrival in New-York, and he no doubt shared the sentiments in favor of the latter entertained by his more prominent elder brother. His residence was situated in the Dock Ward, which he had represented in the common council before his appointment to the chief magistracy. He died in 1719, or nine years before Abraham De Peyster.

David Provoost was mayor in the year 1699. His father came to New Amsterdam as a clerk in the employ of the West India Company. Under Kieft's administration a grant of land was made to him, situated on the line of what is now Pearl street, then the East River shore, and near the present Fulton street. He lived on Long Island toward the close of his life; but his son and namesake, the mayor, lived on the property on Pearl street. The latter engaged in mercantile business, and was very successful. He married the only daughter of Johannes De Peyster the elder, and was thus the brother-in-law of the mayor who immediately preceded him. His son David Provoost, Jr., was also prominent in municipal affairs. The name has been made illustrious by the first Bishop of New-York, who was fifth in descent from the West India Company's able representative. The original home of the Provoosts was France, but as adherents of the Huguenot faith and politics, they had sought a refuge in Holland.

Isaac De Riemer was mayor in 1700, the closing year of the seventeenth century. The wife of Mayor Cornelius Steenwyck, who a second time married the Rev. Henricus Selyns, was Margaret De Riemer. Her father was one of the early settlers in New Amsterdam. A sister married Nicholas Gouverneur, a name frequently met with in colonial history and in Revolutionary history in connection with another historic name, forming the combination Gouverneur Morris. Her brother Hubert De Riemer was the father of the mayor. The latter engaged in mercantile business, and before his mayoralty does not seem to have entered official life at all; but afterward he is found occupying several positions at various periods. He was collector of the South Ward, alderman, and in 1708 was constable. When he felt that the state of his finances warranted it he built a mansion "out of town," on the hill south of Canal street and west of Broadway. In 1714, after a contest regarding returns, he was seated as alderman for the Out Ward. The city at the time that he was mayor counted 4200 souls.

Editor.

BIRTHPLACE OF LORD CORNBURY, OXFORDSHIRE.

CHAPTER II

THE ADMINISTRATION OF LORD CORNBURY
1702–1708

CHARLES READE begins one of his entertaining stories with the following sentence: "In Charles the Second's day, the 'Swan' was denounced by the dramatists as a house where unfaithful wives and mistresses met their gallants." In this same "Swan" Inn, a "rakehelly" of London concocted treason against his relative and king, James II. This man was Edward, Viscount Cornbury, afterward colonial governor of New-York; and that he should have been at home amid such vile surroundings is typical of his entire subsequent career.

Edward Hyde, Viscount Cornbury, was the grandson of the first Earl of Clarendon, prime minister and lord chancellor of Charles II., and a son of the Earl of Clarendon, the brother-in-law of James II. He was therefore the own cousin of the Princess Anne, afterward queen, and the nephew by marriage of her father the king. He was educated at Geneva, and in 1688 married a daughter of Lord O'Brian. He was a young man, says Macaulay, "of abilities so slender as almost to verge on intellectual imbecility"; of loose principles, and of an arrogant and violent temper. "He had been early taught," continues that same writer, "to consider his relationship to the Princess Anne as the groundwork of his fortunes, and had been exhorted to pay her assiduous court." Thus it happened that the first act which brought him into notice was, under the instructions of Churchill (afterward Duke of Marlborough), to lead over into the camp of William of Orange, on the latter's approach to Salisbury,

three regiments of cavalry. That this act of treachery, even for that day, was considered more than usually despicable, is shown by the confidence that had been placed in him by his uncle, James; for we are told that as that monarch was on the point of sitting down to dinner he learned of his nephew's defection, upon which James "turned away from his untasted meal, swallowed a crust of bread and a glass of wine, and retired to his closet." The same principles, moreover, which could thus reconcile a young officer of high birth to desertion, aggravated by breach of trust and by gross falsehood, seem to have governed his conduct through life. In reward for this act of treachery,—an act brought about by no high, patriotic, Brutus-like feeling, but simply by innate baseness of character,—William appointed him, in September, 1701, governor of the province of New-York; and the newly appointed governor sailed for his post two days before the death of that king.

VISCOUNT CORNBURY.

His first official action, taken on the eve of his departure from England, and which well illustrates the character of the man, was the appointment of Daniel Homan as secretary of the province of New-York. This was an appointment which, even in that age of low and venal standards of morality, drew upon him a stern reprimand from the lords of trade, who, in administering it, reminded him that "the Secretary of the Province should be a person of unblemished credit and repute." This Homan was a man of notoriously low tastes, a thorough scamp, and one who appears to have possessed not a single redeeming trait. He had been accountant-general of the province and private secretary to Governor Fletcher, under whose administration he became infamous for receiving bribes from pirates for granting them "protections." He had also been instrumental in carrying through extravagant land grants, on numerous occasions had been guilty of perjury, had resorted to disgraceful and criminal practices in obtaining recruits for the army, and, in short, was what at the present day would be called a corrupt "lobbyist" and "bounty-jumper broker." In reply to this reprimand from his superiors, Cornbury wrote them an obsequious letter, in which he stated that the character of his appointee had been

unknown to him, and promised at once to dismiss him from his employ. But notwithstanding this promise, Cornbury found means to evade the commands of the lords of trade, and Homan remained secretary of the province to the end of his administration.

At length, on March 15, 1702, Cornbury sailed from Spithead in the ship Jersey. The same vessel carried out one hundred musketeers, fifty barrels of powder with ball in proportion, six thousand flints, and six drums and corps "in proportion" for the defense of the frontiers; all of which troops and munitions of war were designed to propitiate the inhabitants of the province, who were beginning to grumble at receiving so little aid in these matters from the home government. After a voyage of seven weeks, Cornbury, on the morning of May 3, anchored in the Bay of New-York off Fort William Henry, the name of which was changed a few weeks afterward to Fort Anne. His first action, after landing the same afternoon, was to proceed, attended by the members of his council, to the fort and the City Hall, where his Majesty's letters and patents, constituting him "Captain-General and Governor-in-Chief and Vice-Admiral of New-York and its dependent territories," were publicly read by the clerk of the council-board. Thereupon, having taken the usual official oaths before Chief Justice Atwood, and received the seal of the province from the late Lieutenant-Governor Nanfan, he, in turn, administered the oaths of office to those members of his council who had been appointed in his instructions. He also issued two proclamations: one declaring that all civil and military officers should hold their several positions until further orders, and the other dissolving the assembly, which had been in session only a few days previous to his arrival. In the evening he was entertained at a public dinner given in honor of his arrival, and presented with the freedom of the city in a magnificent gold box, on which occasion a congratulatory address was also tendered him by the municipal authorities.

The new governor received these civilities and courtesies in an exceedingly urbane manner, and seemed only desirous of adopting a wise and conciliatory policy. Nothing, indeed, could, on the surface, have been more auspicious for Cornbury's own fame than the condition of the province on his arrival. New-York, at this time, was torn by intestinal feuds; and, upon learning that the king contemplated sending over a new governor, a petition had been forwarded to the lords of trade praying that whomsoever the king should appoint might be one who "would use temper and moderation upon coming to us, and treat each party with like favor and respect. By which means, after he hath run some course in such a management, he will be able clearly to discern who are the true friends of his Majesty and his Government here; and then it will not be difficult to determine

how to steare [steer] himself for the future." Quaint as this language is, it yet shows the kindness and consideration with which all factions were disposed to treat their new governor. On the one hand, the royalists anticipated his arrival "with the incense of flattery"; and on the other, the hospitality of the colony, not yet provoked to defiance, had elected an assembly — the one he had dissolved on the first day of his arrival — "disposed to confide in the integrity of one who had been represented as a friend to Presbyterians." A wise administrator like Andros would have been quick to feel the pulse of the people and discern the signs of the times, and have shaped his policy accordingly. Not so, however, with Cornbury, as the sequel will show.

The new governor signalized his arrival by several acts which gave great satisfaction, and the spirit of which is still seen in Massachusetts, where, upon the election of a new governor, the prison doors are thrown open to certain offenders. Thus, his suite, the soldiers of the garrison, and all citizens unable to purchase their liberty, were made freemen with rights of suffrage, trade, and holding office.[1] It proved, however, apparent later that this seeming generosity was only a blind to his real intentions. Nor was it long before his true character appeared, showing him to be not only a savage bigot, but an ungentlemanly tyrant. Having no sympathy with popular rights and looking upon the assembly of the province as having been originally extorted from James in a moment of weakness by his friend, William Penn, and being, moreover, an intense partizan and, notwithstanding his Geneva education, an upholder of the Church of England, he, very soon after taking into his hands the reins of government,— to use a popular metaphor,— "showed his teeth." The first instance of this was his taking sides with the anti-Leislerian party and his condemning the conduct of, and releasing, Colonel Nicholas Bayard. To understand this action, it should be remembered that the people of the province of New-York, at this time, were divided into two factions — the aristocratic, represented by Bayard, and the democratic, or, as it would be termed at the present day, the "People's Party," represented by the followers of the late Jacob Leisler. The latter, who had administered the government after a fashion

THE CLARENDON ARMS.

[1] To explain what at first may seem strange to the modern reader, that there should have been white slaves in the colony of New-York at this time, it should be borne in mind that political and criminal offenders in England were sold to the colonies for a term of years. Especially was this practice in vogue in the time of Charles II. and James II. One of Charles Reade's novels is founded on this usage; and Lord Macaulay has been severely criticized for stating that William Penn was guilty of urging this practice upon the king. After the rebellion of Monmouth, many of those taken in arms against James, together with their wives and daughters, were thus sold to the American colonies, especially to Virginia.

since the departure of Governor Dongan, the successor of Andros, had refused to surrender the government into the hands of Major Ingoldesby until Colonel Sloughter, who had been sent over to succeed Dongan, had arrived. Upon Sloughter's arrival, however, he had soon abandoned the fort, was arrested, and, with his son-in-law, Jacob Milborne, was tried and executed for treason. Still the conduct of Leisler during the revolution had been considered on the whole patriotic, and his sentence was thought to have been both unjust and cruel. Indeed, his enemies could not prevail upon Governor Sloughter to sign the warrant for his execution until for that purpose they had induced him to drink too much wine.[1] It was, in truth, altogether a brutal affair, and adds one more to the list of the so-called (and properly) "judicial murders."

Marlborough

In the prosecution of Leisler, Bayard, as related in the previous volume, had been particularly active. He had sent numerous insidious addresses both to the king and to the newly appointed governor, Cornbury, before the latter left England for New-York, in which were made the most infamous and unjust charges against Leisler and the administration of Bellomont and his lieutenant-governor, Nanfan.[2]

To make Leisler's conviction the more certain, he had, in the spring of 1691, procured the passage of a law the effect of which was intended for the special punishment of Leisler.[3] Bayard now fell into the very trap he had set for Leisler; for, insisting that this unrepealed law should be put into force, Nanfan, the lieutenant-governor, caused the arrest of Bayard on the charge of treason. Accordingly, the latter was tried before Chief Justice Atwood in February, 1702, and, being found guilty, was, in keeping with the harshness of the times, sentenced to be "hanged, drawn, and quartered in accordance with British law." He was, however, on a virtual confession of his

[1] "Sloughter was invited to a wedding feast, and when overcome with wine was prevailed upon to sign the death-warrant, and before he recovered his senses the prisoners were executed." Smith's "History of New-York."

[2] One of these addresses alone contained no less than thirty-two "heads of accusation of the Earl of Bellomont." It was a tissue of falsehoods from beginning to end, and was well calculated to stir up revolt in the colony. This seditious paper was signed "John Key"; and it is asserted by some that Bayard, not daring to send it out over his own name, signed it with this fictitious one. But Bellomont himself speaks of a Scotchman by that name.

[3] See the previous chapter. EDITOR.

guilt, reprieved by the lieutenant-governor "until his Majesty's pleasure could be known." This was the state of affairs when Cornbury arrived to assume the governorship. The latter reversed all of the proceedings against Bayard, and set him at liberty. No sooner was this action of the governor known than all of those who had espoused the cause of the Leislerian party fled in dismay from the province; while at the same time many merchants and property-holders of the anti-Leislerian faction who had removed to New Jersey, encouraged by this same action, returned to New-York city and resumed their citizenship.

An outcome of this affair of Bayard was a petition of the anti-Leislerians to the governor, reciting that as Abraham De Peyster Dr. Samuel Staats, and Robert Walters, members of Bellomont's council, had been especially active in the "late troubles," they should be proceeded against "even to the extreme penalty of the law." A wise governor, at this juncture, one who sought to promote harmony in his government, would have endeavored to throw oil on the troubled political waters by adopting a conciliatory policy having for its aim at least a compromise. Such a policy, however, did not suit Cornbury, who, immediately hastening again to take sides, suspended without a hearing those influential citizens from his council-board, and appointed in their place Dr. Gerardus Beeckman, Rip Van Dam, Kiliaen Van Rensselaer, and Thomas Wenham. The New-York assembly, however, were not so complaisant. Smarting under this assumption of power on the part of the governor, they at once passed an act for indemnifying those who had sustained loss during the revolution. This act, called the "Leisler Act," gave great offense to the lords of trade, and they immediately sent to Cornbury similar instructions to those they had previously given on this same subject to Lord Bellomont, ordering peremptorily that such action on the part of the legislature should not be allowed. But this order fell harmlessly on the assembly; and for a while, as Cornbury did not have sufficient strength of character effectually to protest, the matter remained in abeyance.

As we have before said, the time of Cornbury's arrival was most opportune for any one desirous of making a good record. The condition both of the city and province of New-York at this period was most wretched; and of the many improvements instituted and carried out by Andros, owing to the supine management of his successors, scarcely any trace remained. The fort was in a sad state, not a penny having been expended upon it since the administration of Colonel Fletcher: the parapet, composed only of sods, had fallen down; most of the gun-carriages and their platforms were rotten; nearly all of the guns were not only dismounted, but so "honeycombed" as to

render their firing unsafe; and the military stores were unfit to be used. Of the regulars, moreover, which constituted the four foot companies (one hundred to each company), only seventy remained; while none of the men had either decent clothes or accoutrements. The militia of the province, likewise, which, under the administration of Andros, had, it will be remembered, been brought up to the highest grade of efficiency,[1] was in a deplorable state, not having been called out or drilled for many years past. In addition to all this, the forts at Albany, Schenectady, and Half-Moon (Waterford, N. Y.) were in the same ruinous condition; while, to cap the climax, the Five Nations were already wavering in their attachment to the British crown. Now was the time, therefore, for a man of ability to make his influence felt. As the reader will recall, Andros, confronted by a similar state of affairs, had by personal supervision and intense individual energy brought order out of chaos. The present governor, however, was a man of very different caliber. Utterly devoid of executive ability, only energetic while in pursuit of his sensual pleasures, and notwithstanding repeated severe reprimands by the lords of trade, he allowed the condition of the city and province (with the exception of a few repairs on the fort) to remain the same at the end of his administration as he had found it.

Lewis Morris

On June 17, 1702, Cornbury received from Queen Anne a confirmation of his commission as governor, together with orders to proclaim her Majesty queen; and also to assure those provinces of her "especial care and protection"—exhorting them, moreover, "to do, on their parts, what is necessary for their security and defense." This duty was discharged the following morning in the presence of the troops of the garrison, the members of the council, and the mayor, aldermen, clergy, and citizens. "This solemnity," wrote Cornbury to the lords of trade, "was performed with all the duty and respect imaginable to the Queen, and the people showed all the cheerfulness and loyalty that could be wished for or desired from good subjects

[1] See preceding volume, on the administration of Sir Edmund Andros.

upon that occasion." The next day (Friday, the 19th) Cornbury, having previously notified by express Colonel Hamilton, the governor of the New Jersey proprietors, of his intention, set out for Burlington, the principal town in West Jersey, where, on his arrival the following Monday, he went through the same ceremony. It had been his purpose to go directly to Amboy, but the bridges having been washed away by recent rains, he was prevented from so doing. From Burlington he journeyed to the present site of Trenton, N. J., where, taking a boat, he proceeded to Philadelphia, which he reached on June 23.[1] Finding, on his arrival, a vessel on the point of sailing for England, he availed himself of this opportunity to send to the lords of trade a long and somewhat grandiloquent account of the manner in which he had proclaimed the queen.

On his return to New-York he found that a malignant epidemic strongly resembling the yellow fever was raging in the city, and that many of her terror-stricken citizens had already fled to New Jersey and Staten Island. Accordingly he lost no time in adjourning the assembly, which he had called immediately after his dissolution of the previous one, and took his family to Jamaica, L. I., whither he was followed shortly after by his council. As there was a scarcity of eligible houses in that village, and the best one was the dwelling of the Presbyterian minister, the Rev. Mr. Hubbard, built for him by his congregation, Cornbury begged the latter to allow him the loan of it for himself and family. This request was cheerfully granted by the clergyman, who, with his large family, moved into narrower quarters, a hospitality which was requited by its mean-spirited recipient in a remarkable manner. This was no less than the seizure, on July 4, 1704,[2] by the sheriff, on an order from Cornbury, of the parsonage-house, meeting-house, and glebe, for the use of the members of the Church of England residing there (and who amounted to a mere "corporal's guard"), on the plea that the property belonged to the Anglican Church at Jamaica, "since the Church and Parsonage having been built by Public Act, it could belong to none but the Church of England."[3] This plea was most specious. During the administration of Colonel Fletcher, the people of Jamaica, being

[1] The route usually taken at this time from New-York to Philadelphia was to cross the bay from the foot of Whitehall street to Staten Island in a *pirogue*, commonly called a *periagua*, a little open boat with lee-boards, and steered by one man. Reaching the island, the traveler proceeded to the ferry at "Arthur Rolls'" Sound, crossed in a scow to New Jersey, and shortly reached the "Blazing Star" Inn, near Woodbridge. Journeying slowly to the Raritan River, the site of New Brunswick was reached by a scow, and in the same manner the site of Trenton on the Delaware, until (by boat), by the third or fourth day, the "City of Brotherly Love" made its appearance. As Cornbury reached Philadelphia on June 23, it will be seen that his journey was performed in four days.

[2] Writers upon this period have made this action of Cornbury take place in the summer of 1702, but such is not the fact.

[3] "When His Excellency [Cornbury] retired to Jamaica, one Hubbard, the Presbyterian Minister, lived in the best house in the town, and his lordship begged the loan of it for the use of his own family, and the clergyman put himself to no small inconvenience to favor the Governor's re-

nearly all composed of New England Puritans,[1] had raised sufficient money by individual subscriptions to purchase the ground and build a portion of the foundation of the church. At this point, finding themselves unable to complete the building, they procured, in 1691, the passage of an act by the assembly (called the "Ministerial Act") by which the edifice was finished and the yearly salary of the minister paid. Hence, as the act was passed principally, though not wholly,[2] for the benefit of the Presbyterians in Jamaica, a fact which at the time was not disputed, they were clearly in the right in resisting the arbitrary order of the governor. Might, however, in this instance as in so many others, made right; for on the Presbyterians endeavoring, one Sabbath afternoon, to maintain possession of their church edifice, a party of Episcopalians, encouraged by Cornbury, broke down the doors and drove the rightful occupants into an adjoining orchard, where the minister finished his rudely interrupted discourse. The Rev. Mr. Urquhart, a Church of England clergyman, was at once put into possession, the Presbyterian pastor's salary being paid to him. "This short method," as Governor Lewis Morris of New Jersey, writing to a friend in England, naïvely observes, "might be some service to the Minister, but was very far from being any to the church, as no such unaccountable step can ever be!"[3] Upon the death of the Rev. Mr. Urquhart, in October, 1709, his daughter married a dissenting minister and placed him in possession of the parsonage, which he continued to occupy until 1711. In that year, the Episcopalians, threatening to petition the throne for his recall, persuaded Governor Hunter to place the parsonage again in possession of a clergyman of the Anglican Church; and thus, for many years, with varying successes on each side, the wrangling continued until 1728, when the church edifice, parsonage, and glebe were permanently restored to the Presbyterians, the colonial courts, after a vast amount of litigation, deciding in their favor.

In July of the year 1702, Cornbury, not deeming it prudent to return to the city permanently until the abatement of the epidemic, which had already carried off nearly seven hundred of its citizens, took this opportunity to visit Albany and confer with the Five Nations.

quest; but, in return for the generous benefaction, his lordship perfidiously delivered the parsonage-house into the hands of the Episcopal party, and encouraged one Cardwel, the sheriff, a mean fellow, who afterward put an end to his own life, to seize upon the glebe, which he surveyed into lots, and farmed for the benefit of the Episcopal Church." William Smith's "History of New-York" (first edition, pp. 104–106).

[1] Smith says that at the time of the erection of the Presbyterian church and the passage of the Act of 1691, there was not a single Episcopalian in the town.

[2] This same act also provided for the building of a church in the city of New-York in which was to be settled a "Protestant minister," the word Protestant being tacitly understood to mean Episcopal. This was the origin of Trinity Church, which was begun in 1696, and finished and opened for public worship February, 1698, under the auspices of the Rev. William Vesey. The church itself, which was a very insignificant building, resembled its present namesake in nothing save in having a very tall spire.

[3] "Documents relating to the Colonial History of New-York," 5: 321.

The war between England and France, known here as "Queen Anne's War," had just begun; and it was justly feared that unless that powerful confederacy were placated, the French and Indian raids, which, with firebrand and scalping-knife, were desolating the borders and even the interior of the New England colonies, would also be turned upon the province of New-York. Even the terrors of the halter were insufficient to deter the Jesuits from communicating with the Five Nations, nor were their artful dealings with them persisted in without partial effect. These indications were indeed such in this year (1702) as in the opinion of the governor to require an appropriation that would enable him to meet them in council and conciliate them with the needful presents. Accordingly, the assembly having made an appropriation for this purpose, the governor, on July 1, set out for Albany, and his journey up the Hudson to that town may fairly be considered, in the language of the present day, a "junketing tour." In the MS. archives still preserved in the office of the secretary of state at Albany, N. Y., there is to be seen a bill rendered him by his liquor-merchant for large quantities of wine and beer consumed upon this excursion; these liquors being for his own personal use, and not including many additional barrels of beer and rum specially intended as gifts for the Indian sachems. The governor, with his suite and his "man Friday" (Secretary Homan), arrived at Albany late in the evening of the 5th,[1] and on the 10th and 15th he held an informal conference with the Twigtwees and some minor Canadian tribes. It was at this preliminary meeting that a Marquase sachem (administering thereby a severe, though probably not an intentional, reproof to the governor) begged that the rum their brother Corlaer[2] had brought up for them from New-York might be lodged in some safe place until the conference was over, since, as the speaker said, "if his people should fall a-drinking, they would be unfit for business." The request was complied

1 Writers have given this date as July 10, but Cornbury's letter to the lords of trade, a copy of which is contained in the MS. Collection of Documents at Albany (Doc. rel. Col. Hist. N. Y., 4: 977), distinctly says that while the Indians expected him on the 10th, he arrived several days before that date, that is, on the 5th of the month.

2 The name given by the Five Nations to the colonial governors of New-York. (See Chapter on Andros, Vol. I.)

with, and the rum, which gave so much solicitude to the Indian chief, was safely stored away in the cellar of Robert Livingston.

This conference was, however, merely preliminary to the great council which was held with the chiefs of the Iroquois Confederacy, and which was opened July 17, lasting until the 23d of the same month. On this occasion, Major Peter Schuyler and Robert Livingston acted as interpreters. The former Governor Cornbury had taken into his council, and he was, so far, at least, as a man of his arrogant disposition could be, guided by his superior knowledge in dealing with Indian affairs. This selection was most wise. No man understood those affairs better than Major Schuyler, and his influence over the fickle red men was so great that whatever Quider,[1] as they called him, either recommended or disapproved, had the force of law. This power over them was supported, as it had been obtained, by repeated offices of kindness, and his signal bravery and activity in the defense of the colony.[2] Through the influence of Quider, therefore, Cornbury was placed upon the best footing with the Indians, and was thoroughly prepared to treat with them in such a manner as would best serve the welfare of the colony. The conference continued for five days, during which time the governor listened patiently to the various complaints of the different tribes, and, by presents from his mistress, "the great Queen of England," "rubbed off the rust which had lately gathered upon the chain of Friendship." These gifts consisted of those usual on such occasions, viz.: guns, blankets, kettles, knives, powder, lead, hats, rum, and tobacco. If the Five Nations and the other tribes of Indians, their allies, would but remain firm to their pledges with the English, preserve a strict neutrality, and thus constitute a barrier against the incursions of the French, the governor promised to build, with all expedition, a fort at Albany and one at Schenectady, into which they might send their wives and children in case of danger.[3] If, however, added the governor in conclusion, "you suffer yourselves to be deluded by the French, or make war upon us or any that we are in alliance with, you must expect to lose not only ye benefit of these forts, but also ye benefit of ye peacable Hunting which you so much value; but we will al joyn to destroy those that shall first take up ye hatchet to kill any of ye Brethren that are linked in our covenant-chain." The

[1] Quider is the Indian pronunciation of Peter. Having no labials in their language, they could not say "Peter."

[2] Major Schuyler, for example, upon learning of the massacre and burning of Schenectady by the French in February, 1693, immediately took the field at the head of the militia of Albany, and harassed the enemy sharply during their retreat. Indeed, but for the protection of a snow-storm, and the accidental resting of a cake of ice upon the river, forming a bridge for their escape, the invaders would have been cut off to a man.

[3] It was in pursuance of this same policy that a stone chapel was built, in 1711, by Queen Anne for the Mohawks at Fort Hunter, N. Y. This building, known as "Queen Anne's Chapel," and used in the Revolution as a fort by the residents of the Mohawk Valley, was demolished in 1820 to give place to the Erie Canal; the stone in it being used to construct guard-locks near its site. The English Episcopal Missions to the Mohawks appear to have begun as early as 1702, and continued down to the beginning of the Revolutionary War.

effect of this speech, due unquestionably to the advice and tact of Major Schuyler, was entirely satisfactory; and this celebrated council broke up with an assurance, on the part of the Indians, that "Brother Corlaer need not doubt but that we will comply with all his wishes, being very desirous to continue in the peace and tranquillity we now enjoy." The promises thus made were faithfully kept; and during the entire war, which lasted for eleven years, or until the Treaty of Utrecht in 1713, the province of New-York enjoyed a complete immunity from all Indian and French barbarities.[1]

On the 23d the governor held another council with the River Indians at Schenectady; after which, passing again through Albany, he went down the Hudson as far as Esopus, where, on account of the embers of the epidemic being still alive in New-York, he tarried until the middle of November, when he returned to the city. While at Esopus, he addressed a letter to the lords of trade, in which, after giving the results of the late conference at Albany, he proceeded to lay before them a plan for the conquest of Canada. This plan contemplated the sending from England of a body of fifteen hundred troops, well disciplined and officered, to be augmented by thirty-five hundred men raised in the colonies. Of this force he proposed that three thousand men, with eight frigates and one gunboat, should start from Boston early in the coming spring and attack Quebec by way of the St. Lawrence River; while, simultaneously, a force of two thousand troops should march from Albany by way of Lake Champlain upon Montreal. In this way Canada, he thought, would be easily and surely conquered. This plan, in all its essential details, was precisely similar to the one pursued in 1776, when Arnold descended the Chaudière, and Montgomery the St. John, each having Quebec for his objective point. Cornbury's arguments in favor of it were most cogent; and the advantages which, in case of success, would accrue to England were lucidly set forth. These were, first, the securing of the peltry trade for England, the duties upon which article would in a very short time reimburse the government for all the expenses of the expedition; and secondly, the attaching of the Indians permanently to the British crown, thus not only saving the great expense of constant gifts to the Indians, but securing peace to the frontiers. This latter result, moreover, he pointed out, would greatly increase the agricultural wealth of the colonies, since the

[1] While this conference was in session, an incident occurred which at first threatened to neutralize all of the governor's efforts. This was the killing of a sachem of the River Indians by four negro slaves owned by two citizens of Albany. The negroes, who were at once seized, tried, and condemned on the spot, would all have been hung had not the Indians come in a body to the governor and interceded for their lives, saying that the celerity of the trial had satisfied them of the governor's desire to have justice done. The latter granted their request so far at least as to hang only one of the negroes and respite the other three. This incident is recommended to the attention of those who can see in the red man nothing but treacherous and cruel traits.

people, no longer in constant dread of the scalping-knife, would be able thoroughly to cultivate their fields, a restful feeling taking the place of perpetual terror and alarm. In fact, concluded the governor, "the people of the Province are so sensible of these things that I believe there is scarce a man in it that would not leave his family and his business to give a helping hand to this undertaking." It were bootless, perhaps, to inquire too curiously, knowing the supine and superficial character of the man, whether these suggestions were not inspired by Schuyler or Livingston, or both. Still, as there is not an atom of evidence in favor of this conjecture, to Cornbury is to be given the entire credit of this plan. As it was, his letter was laid before the queen, referred to the Duke of Nottingham, and the scheme finally smothered in its inception. Very probably the home government, taxed to its utmost to sustain the Duke of Marlborough in his continental campaigns, had no money to spare for the reduction of Canada. At any rate, this is the last that is heard of a plan grand and able in conception, and in no wise impracticable in execution; and had it been adopted at this time, the conquest of Canada by the English might have been anticipated by sixty years, almost to a day.

ANCIENT TANKARD.[1]

Before leaving Esopus, Cornbury received by express from New-York a formal commission from the lords of trade to govern New Jersey — the proprietors of that province having surrendered all their powers to Queen Anne. Henceforth East and West Jersey were united under one government, an assembly being elected by the majority of freeholders which was to sit, first at Perth Amboy, then at Burlington, and afterward alternately at those two towns. "Liberty of conscience was granted to all persons except Papists; and the solemn affirmation of the Quakers was to be taken instead of an oath." In his instructions, Cornbury was especially directed to take care that "God Almighty was devoutly and duly served," and that ministers of the Anglican Church should be furnished with a

[1] Sarah Jansen de Rapalje was the first girl born of white parents in New Netherland, on June 6, 1625. Her father moved from Staten Island to Long Island at the Walloon Bay (Waelen Bogt—Wallabout) in the spring of that year. The tankard illustrated above was presented to her at her marriage, and the inscription alluded to the circumstance of her birth. EDITOR.

parsonage and a glebe "at the common charge." He was likewise strictly enjoined "to encourage traffic in merchantable negroes," which, it was stated, the African Company in England "would furnish at moderate rates."

But while Cornbury was enjoying himself in Ulster County, trouble was preparing for him at home. It will be remembered that his first official act, on his arrival in New-York, had been to dissolve an assembly that had been, as it was thought, especially elected in consonance with his views. This sudden dissolution had the effect of opening the eyes of the people at once to the narrow-minded and despotic character of their new governor. Hence the writs which were immediately issued for a new election had the effect of stirring up a bitter partizan strife throughout the province. In the elections which followed, Philip French was chosen a member of the new legislature, but did not take his seat, since on the following October, 1702, he was appointed mayor of the city.[1] Stephen De Lancey, Jacobus Van Cortlandt, and Henry Beekman were also elected to the assembly, and William Nicolls was chosen speaker. The new assembly met in Jamaica, April 13, 1703. At first its opposition to the governor was not pronounced; on the contrary, it welcomed him in a eulogistic address, voted him two thousand pounds to reimburse him for the cost of his voyage, together with a double salary, and provided a public revenue for seven years in advance. It also voted eighteen hundred pounds for the defense of the frontiers. Other acts were passed in the interest of the city's health, and among them one which, though well intentioned, illustrates the ignorance of sanitary laws existing at that day, viz.: "An Act to prohibit the burning of oyster shells into lime within half a mile of the City Hall in Wall street, since to that cause is to be attributed, in a large measure, the prevalence of the malignant fever of the previous summer."[2] Two other creditable acts were likewise passed:

[1] Philip French was mayor in 1702. He was born in Kelshall, Suffolk County, England, where his family formed a part of the wealthy landed gentry. He began life as a merchant in his native country, but finally settled in New-York, although even here his connections were mainly with England. His brother John commanded a merchant vessel, and also came to settle in New-York city. Philip French married Anneken, a daughter of Councilor Frederick Philipse. This connection alone would have cast his sympathies in the scale against Leisler's party. He resided on Broad street, near Exchange Place, and his household embraced seven slaves. Toward the close of Bellomont's rule, exasperated by the favor shown the popular party, French allowed himself to be carried into opposition beyond the bounds of prudence. As has been noticed in the text in the previous chapter, he united with Nicholas Bayard in a violent address, in which the lieutenant-governor and the chief justice were charged with bribery. There was enough ground in this document for a trial for high treason, but while Bayard actually underwent the trial, and came near being hanged, French escaped to England. Lord Cornbury restoring the anti-Leislerians to favor and power, French returned, and in 1702 was appointed mayor by the governor. His business affairs requiring his presence in England before his year was out, he left the government and seals in charge of the recorder. He died in 1707, three children, all daughters, surviving him. The city now numbered about forty-four hundred inhabitants. EDITOR.

[2] It is a well-known fact that the vicinity of lime-kilns is always remarkably healthy, the fumes arising from the burning of the limestone being almost as good a disinfectant as the lime itself.

one for the maintenance of the poor of the city, and the other, of even greater importance,[1] for establishing a free grammar-school; the power for carrying out the provisions of this law being vested in the corporation of the city. Cornbury, who, like Berkeley of Virginia, heartily disliked anything that tended toward the education of the masses, appears at first to have given the project an extremely lukewarm support, if, indeed, he did not directly oppose it; and it was only through the persuasion of the Rev. William Vesey, the rector of Trinity Church, for his day a liberal-minded man, that he was finally prevailed upon to disguise his repugnance, and with every outward show of willingness to sign the act creating the school.[2] Mr. Vesey took advantage of this opportunity to carry out a project he had long contemplated, the opening of a catechizing-school for the instruction of Indians and negro slaves; and when, two years later, he was succeeded as catechist by Mr. Elias Neall, he freely offered Trinity Church to that gentleman for the use of the school on stated days.

Meanwhile the people of the entire province, and particularly of the city, were thrown into a panic (known afterward as the "French Scare") by rumors to the effect that the French fleet were about to transfer their operations from the West Indies to the seaports of the English colonies, especially that of New-York. The fear of such an event taking place seems to have so greatly permeated the minds of the people, almost to the exclusion, at this time, of other topics, that it is singular that scarcely any writer upon the colonial history of New-York at this period should have even alluded to it; yet it was a question that, during the entire administration of Governor Cornbury, deeply exercised the community. This is manifest by the different measures continually taken by the colonial government to avert such a catastrophe. A board of admiralty, to encourage privateering by providing that there should be no delay in the distribution of prize-money, was established; the fort was placed in a tolerable condition of defense; and a line of stockades run from the North to the East River, at which point a large breastwork was erected extending along the river-side. Three batteries were also raised upon the East River, one of twenty-two, one of seven, and one of three guns; three batteries on the North River, one of nine, one of five, and one of three guns; and one battery, consisting of eleven guns, upon a point of rock under the fort. As there were not enough cannon to supply all of these batteries, the deficiency was made up by borrowing eighteen pieces

[1] I say "of even greater importance" advisedly; for the education of the people is, perhaps, the surest method of preventing pauperism.

[2] In view of the antecedents of Rev. William Vesey (who, by the way, was a graduate of Harvard), his intimacy with, and his influence over, Governor Cornbury are somewhat singular. For instance, Lord Bellomont says in a letter from Boston, September 11, 1699, that his [Vesey's] father was "try'd, convict [*sic*] and pillory'd here at Boston, for being the most impudent and avowed Jacobin that has been known in America."

from a Scotch man-of-war that lay at Amboy, and by some merchants who dealt in ordnance making up, as a loan, the remainder.[1] An appropriation of fifteen hundred pounds was also voted by the legislature, *nemine contradicente*, for fortifying the Narrows. So far, therefore, as the passage of laws for the defense of the city was concerned, the assembly did its duty; and consequently, the complaint of the governor to the lords of trade, under date of October 3, 1706, that he "wished the assembly here might be convinced how reasonable a thing it is that they should raise funds for the providing arms and ammunition for the defense of the country, but he much feared it," was most unjust. Indeed, that body cannot fairly be charged with the least parsimony when the interest either of the city or the province was at stake.

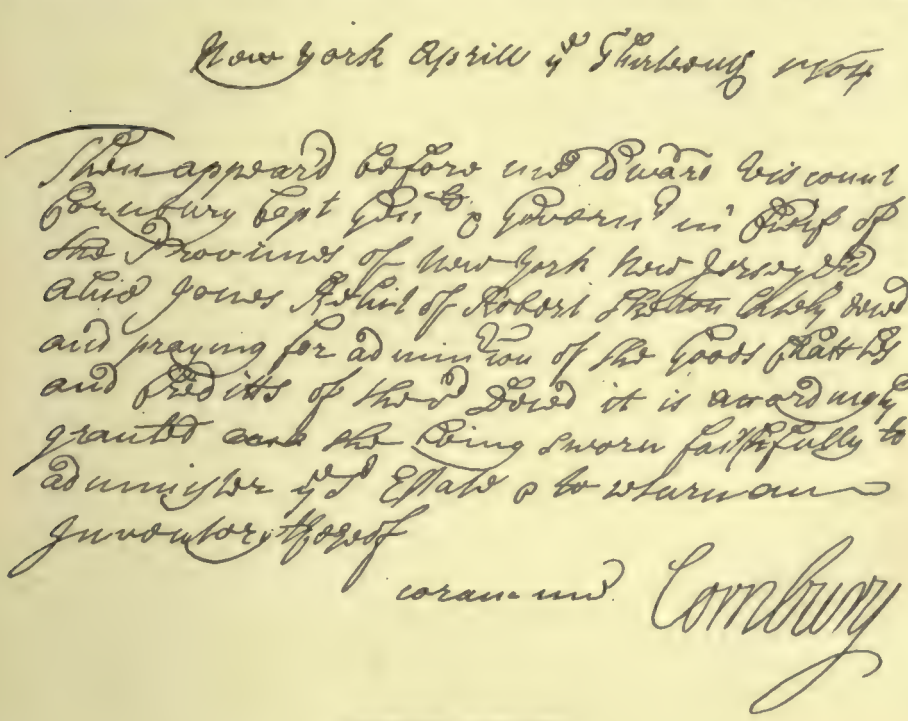
It was, therefore, with intense anxiety, mingled with deep chagrin, that, on the appearance, on July 26, 1706, of a French privateer of seventeen guns off Sandy Hook,[2] it was found that no fortifications had been erected at the Narrows, the fifteen hundred pounds which had been appropriated for this purpose having been used by the governor to build a country-seat on Nutten or Governor's Island for himself and his successors. Nor was the alarm of the citizens lessened when, simultaneously with the appearance of this privateer, advices were received from the governor of Maryland that several French vessels were hovering off the capes of Virginia, and, having captured seven merchantmen, were evidently bound for the harbor of New-York. This rumor at length grew to such proportions that it was said the privateer off Sandy Hook was one of those vessels, and that her crew, having already landed at that point, were plundering the inhabitants and devastating the surrounding country. In this emergency no time was to be lost; and accordingly, while all the able-bodied citizens young and old labored, as in the war of 1812, day and night with pick and shovel, throwing up earthworks for the defense of the city,[3] Captain Richard Davis was sent out with a French man-of-war lately captured by the English and rechristened the Triton's Prize, to find and engage the French privateer. At the same time, another vessel, under Captain Evertse, with one hundred citizens, who had volunteered as marines, was also sent out to meet the enemy. This vessel, however, accomplished nothing, for the crew, on coming in sight of the Frenchman twenty miles outside the Hook, refused to work the ship, which was thus forced to return to the city, thereby plunging the citizens into still deeper despondency. Captain Davis, however, was more

1 Doc. rel. Col. Hist. N. Y., 4: 1185.

2 Her name was the Queen Anne. She was originally an English packet-boat, but had been recently captured by the French in the West Indies and converted into a privateer.

3 The late General Jeremiah Darling, of New-York city, once informed the writer that, when a lad of twelve, in 1813, he worked with his father all one night on earthworks at the upper end of New-York Island, in an emergency very similar to the one mentioned in the text.

fortunate. He caught sight of the privateer on the afternoon of his leaving New-York, and after an exciting chase, which continued all night, came up with the object of his pursuit at early dawn. The Frenchman, which carried fourteen guns and one hundred and eighty men, made a gallant defense, but Captain Davis tenaciously held him engaged until sunset, when, the wind dying away, he took to his sweeps and escaped under cover of the night. The brave commander of the Triton's Prize, who had received during the fight an ugly, though



CORNBURY DOCUMENT.

not a fatal, wound in the neck, lost no time in returning to the city with the welcome news that all danger, for the moment at least, was past. In consequence, however, of this narrow escape, the inhabitants lived in a state of continual alarm, verging, indeed, on panic. On the very next day (the 28th), for instance, the council received a despatch from Staten Island that ten large French privateers had made their appearance inside of Sandy Hook. Nor was it until a general alarm had been issued, and orders sent to the several colonels of militia as far as Albany to march their regiments to the defense of New-York, that it was found that the supposed ten Frenchmen were prizes recently taken from the French by Captain Adrian Clavear, who was bringing them into port! And after this, on as many as two other different occasions, friendly English merchantmen coming into port were again mistaken

for sanguinary French privateers. In fact, one would suppose that during the years 1704–1706 an intense fear of a French invasion occupied the people to the exclusion of any other topic; and such a conjecture is fully justified by the MS. council minutes (still preserved at Albany) which, during those years, relate almost entirely to the defense of New-York city.[1]

As soon as the immediate danger of an attack upon the city had passed, and the people had recovered from their fright, they began to realize the critical position in which they had so lately been placed by the cupidity of their governor; and murmurs, loud and deep, against the criminal conduct of the latter were heard in all circles of society. This state of public feeling soon made itself felt both at the governor's council-board and in the assembly. The former body immediately caused an embargo to be laid upon all vessels in the port "until further orders," the collector, meanwhile, as the minutes read, being "instructed not to clear any vessel for any foreign port." The object of this action was to retain in port all seamen for impressment, in case of need, on board men-of-war. The council further ordered that the aldermen should solicit subscriptions from the citizens in their respective wards for properly fortifying the Narrows, a measure rendered necessary by the recent conduct of the governor. At the same time the assembly, acting, in this instance, in unison with the council, and convinced, moreover, that Cornbury was no

[1] The following extracts from these minutes, fair samples of all the others, will serve to illustrate the statement of the text:

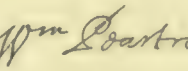
"P. 25, July 4, 1706. His Excellency informed this Board that yesterday by a prize taken and sent into this port by Capt. Tongrelon commissioned as Commander of the Privateer New-York Galley October 13, 1705, he had a letter from the said Captain giving him an account that by a prize lately taken by him a little after her leaving Petit Guavas he had advice that Mr. Diberoille with seven French Men-of-War and several privateers were designed from that port for Carolina, but that he apprehended their designs might be rather against this place [New-York city] wherefore his Excellency acquainted this board that in regard the Assembly had taken no care of repairing this fort he would give the necessary directions for it that it may be in a condition of defense in case the enemy should attack us.

"P. 83, May 16, 1707 (Cornbury absent in N. J.) —Abraham Sandford of New-York, mariner being sworn, deposes that he being at Martinico about seven weeks since he met there with one Peter Cock master of a French privateer ship and having discourse with him the said Cock told him he designed to go upon the coast of Virginia and New England a privateering and that he then was fitting his ship for that purpose. Hereupon and upon advice that there has lately been seen a ship stand off and on this coast which is presumed to be a privateer, this board sent for Captain Davis, commander of her Majesty's ship Triton's Prize to know whether the said ship be in a condition to go to sea, who informed this Board that he wants 30 men to compleat his ship's company; the masters therefore of severall vessells now riding in this harbour being sent for and appearing offered to put on board her Ma^ties^ said ship severall of their men amounting in all to the number of sixteen on condition they be restored to them when the said ship returns from her cruise which is hereby promised to them accordingly and to make up the deficiency of men for the said ship, the Mayor is ordered forthwith to impress twenty sea-faring men and put them on board Her Majesty's said ship whereby she may be capable to proceed on her cruise in pursuit of the said privateer. Ordered, that the collector do not clear any vessel for any foreign port till he receives further order.

"P. 84, May 17, 1707. Captain Davis commander of Her Majesty's ship Triton's Prize, having informed this Board that notwithstanding the measures yesterday taken to complete the number of men appointed to be borne on board the said ship their twenty men yet wanting wherefore to prevent delay in this pressing juncture it is ordered that Captain Peter Matthews, commander of one of her Majesty's independent Companies, do make a draft out of the garrison of one Lieut., one Sargeant, one Corporal, and eighteen men, and forthwith send them on board the said ship (with their arms) that she may be capable to proceed on her intended cruise."

longer fit to be trusted with the public funds, insisted on appointing a treasurer of their own for the "receipt and disbursement of any moneys the Legislature might order to be raised for public purposes." Some of the members of the assembly, also, seeing in this crisis an excellent opportunity for insisting upon the right of the people, through their representatives, to vote supplies solely on condition of the governor's good behavior, declared that "the Assembly as Representatives of the people of this province are entitled to the same privileges and have a right to the same powers and authorities as the House of Commons in England enjoy"; going, indeed, to the length of denying the right of the queen's council to make amendments to a money-bill. "If this doctrine [the right to amend money-bills] is suffered to go on," wrote Cornbury to the lords of trade, "all that the Governor and Councill can doe, will be to hinder the Assembly from doing mischief; but we shall not be able to do the good we could wish to doe, unless Her Majesty will be pleased to declare her pleasure upon this subject, which I will see punctually obeyed, and I believe that will be the shortest and best way to put an end to this method of proceeding, and will convince much the greatest part of the house that they have been misled and abused by two or three turbulent men, who never were nor never will be faithful to their Queen nor true to their country." The assembly even went so far as to pass an act whereby the queen was restrained in her royal prerogative either of "pardoning or reprieving her subjects in the Colony of New-York." These proceedings, it may readily be supposed, aroused the ire of Governor Cornbury to the highest degree; and he fought desperately to the last against these infringements of the royal prerogative, especially as the assembly's wish to have a treasurer independent of the chief executive placed an ineffaceable stain upon his personal honor.

Indeed, the years (1705–1708)[1] of Cornbury's administration were marked by increasing political excitement; and the dividing line of parties, involving the great principles of civil liberty on the one side and the prerogatives of the crown on the other, was more distinctly drawn, perhaps, than at any antecedent period. The administrations



[1] William Peartree was mayor in the years 1703 to 1706. Beginning life in the merchant marine as sailor and officer, Mr. Peartree soon established a profitable business for himself, and became the owner of a valuable estate in Jamaica, West Indies. He finally settled in New-York, the relations of his house continuing mainly with the West Indies. He at first lived in Beaver street, near New street; a large garden surrounded his house. While he was mayor he lived in Broadway. The "War of the Spanish Succession" going on abroad, and Queen Anne's at home, the mayor's duties were partly of a military nature. At one time he was intrusted with the conduct of an expedition fitted out by himself and other shipping merchants, and consisting of three small war-vessels, in order to stop the depredations of a French privateer cruising just outside the harbor. It was during his mayoralty, too, that the Narrows were fortified. Mayor Peartree died in 1714, leaving an only daughter. EDITOR.

of the earlier English governors, Nicolls and the elder Lovelace, were benevolent and almost parental. Andros, it is true, was unpopular; and during his administration parties were formed, as in England, upon the mixed questions of politics and religion, which dethroned the last and most bigoted of the Stuarts, and brought William and Mary to the throne. Dongan, however, the last of the Stuart governors in New-York, was, nevertheless, mild in the conduct of the government, and a gentleman in his feelings and manners. It was upon his arrival, in the autumn of 1683, that the freeholders of the colony were invested with the right of choosing representatives to meet the governor in general assembly. For nearly twenty years subsequent to the revolution of 1688, and during the entire administration of Cornbury, the colony was torn by personal as well as political factions, having their origin in the Leislerian controversy. These factions dying out, other questions arose, the principal of which was that important one which always, sooner or later, springs up in every English colony, involving on the one hand, as I have already said, the rights of the people, and on the other the claims of the crown. Invariably, almost, if not quite, the struggle originates upon some question of revenue, either in the levying thereof or in its disposition, or both. Thus in the origin of those political parties in New-York, which continued with greater or less acrimony until the separation from the parent-country, Sloughter and Fletcher had both endeavored to obtain grants of revenue to themselves as representatives of the crown for life, but had failed. The assembly of 1705 pertinaciously insisted that they would vote the salaries for the officers of the crown only with the annual supplies. This was a principle which Cornbury, as the representative of the crown, felt bound to resist. Henceforward, therefore, until the colony cast off its allegiance, the struggle in regard to the revenue and its disposition was almost perpetually before the people in one form or another; and in some years, owing to the obstinacy of the representatives of the crown on one side, and the inflexibility of the representatives of the people on the other, supplies were not granted at all. This struggle was the forerunner of that of the Revolution.

The assembly, however, notwithstanding all the governor's efforts, was refractory; and the latter, at length perceiving that his continued opposition to the appointment of a treasurer would probably result in his having no supplies whatever voted him, was forced to yield and submit the matter to her Majesty and council. The assembly thus won a great victory; for the answer of the home government to Cornbury was coupled with instructions — much to the latter's intense chagrin and mortification — "to permit the General Assembly of the province to name their own Treasurer when they raised extraordinary supplies for particular uses, such being no part of Her Majesty's

standing and constant revenue."[1] On the promulgation of this order, three thousand pounds were at once voted for the defense of the city, and Colonel Abraham De Peyster appointed by statute to the responsible office of treasurer, the only condition attached to the appointment being that the holder should be accountable for his disbursements to the general assembly, governor, and council. Nor was the letter which accompanied the "instructions" from the lords of trade calculated to lessen Cornbury's disgust. "We hope," concludes the letter, "that no occasion has been given by the Government for any just diffidence [distrust], and that your Lordship has and will lay before the Assembly an account of all monies raised by Acts of Assembly whenever they shall desire the same, that upon they being satisfied with the right application thereof they may be encouraged to raise further supplies toward their own support, whereby an end may be put to the demands your Lordship makes from hence of arms and ammunition for the defense of the country. And we further recommend that such moderate and persuasive means be used by your Lordship with the Assembly, that Her Majesty's subjects in that province may not be deprived of the succors that are necessary for their preservation." The governor, however, did not acquiesce in these suggestions with a good grace. On the contrary, he continually either refused or designedly neglected to sign acts passed by the legislature; until, finally, he was peremptorily ordered by the lords of trade to continue this conduct no longer.

Indeed, the entire course pursued by Cornbury in his dealings with the New-York assembly appears most singular. Certainly it was in direct opposition to the repeatedly expressed policy and wish of the parent government. His idea seems to have been to widen the breach, already broad, between the people and the crown, instead, as was the case with Andros and Dongan, of fostering a spirit of conciliation. Had Cornbury been governor under the reign of either of the royal brothers Charles and James, his action might be better understood. But whatever his motive, his efforts were aimed at alienating the colonies from the mother-country and crushing out the self-respect of the colonists. Indeed, it would seem from his correspondence with the lords of trade (and the letters of no colonial governor are more numerous and voluminous than are his) as if he made it a special study not how to render her Majesty's subjects more contented, but in what manner a spirit of rebellion could best be fomented. "In the country," he writes under date of July 18, 1705, "and especially in Long Island, most of the English are dissenters, being for the most part people who have removed from New England and Connecticut, who are in no wise fond of monarchy, soe that they naturally incline to encroach, as often

[1] H. Walpole to the lords of trade, Doc. rel. Col. Hist. N. Y., 5: 546.

as they can, upon the Prerogative; soe it is no wonder if they are willing to extend the power of their Assembly as far as they can." Yet it must be admitted that the writer had a glimmering of the future independence of the colonies. "I declare my opinion to be," he further wrote in this same letter, "that all these collonys, which are but twigs belonging to the same Tree [England], ought to be kept entirely dependent upon, and subservient to, England, and that can never be if they are suffered to goe on in the notions they have, that, as they are Englishmen, soe they may set up the same manufactures here as people may doe in England. I am well informed that upon Long Island and in Connecticut they are setting up a woolen Manufacture; and I, myself, have seen serge made upon Long Island that any man may wear. The consequence, therefore, will be that if once they see they can cloathe themselves, not only comfortably but handsomely too, without the help of England, they, who already are not very fond of submitting to Government, will soon think of putting in executions designs they have long harboured in their breasts. This will not seem strange when you consider what sort of people this country is inhabited by." But what Cornbury did not see—though neither did, for that matter, George III. and his ministers sixty years later—was, that had England encouraged these manufactures and made her colonists feel that their interests were identical with those of the mother-country and they themselves component parts of the British realm, she would have held her colonies as with hooks of steel!

THE FRENCH HUGUENOT CHURCH IN PINE STREET, 1704.[1]

The conduct pursued by Cornbury with his New Jersey assembly was also of the same impolitic character. In 1705 his attempt to obtain from that body an annual salary of two thousand pounds for

[1] The building illustrated in the text was erected on King street (now Pine), near Nassau, north side; the laying of the corner-stone took place on July 8, 1704. Sixteen years before that the French Huguenots began to hold services in a small building on Marketfield street, half-way between Whitehall and Broad streets. The Pine street church was of stone covered with plaster. The burying-ground attached to it extended back to the next street (Little Queen, now Cedar). In 1776 the British converted it into a storehouse, making it unfit for use as a church without extensive repairs. These were not undertaken until 1796, when worship was resumed under Huguenot forms. In 1803 the forms of the Episcopal Church were adopted, and have since continued, the church being known as "L'Eglise du Saint Esprit." In 1832 the congregation removed to a building on the southwest corner of Franklin and Church streets, whence another move was made in 1863 to the present edifice in Twenty-second street, between Fifth and Sixth avenues. EDITOR.

twenty years had been thwarted by the Quaker, Samuel Jennings, who, in reply to his statement that the governor's salary was too small, curtly remarked, "Then thee must be very needy." Furious at this rebuff, he straightway dissolved the assembly, and, in the spring of 1706, called a new one with the specific object of having his salary both renewed and increased. Greatly to his surprise, however, a majority of the newly elected members flatly refused to accede to his wishes; nor was his disappointment softened when he found not only that a late member of his New Jersey council-board, Colonel Lewis Morris (a former governor of New Jersey), was at the head of the opposition, but that Samuel Jennings, the sturdy Quaker, had also been chosen speaker. As soon as the house was organized, a petition, setting forth the grievances of the colony, under the rule of Cornbury, was prepared for presentation to the queen; and the governor, from being on the offensive, suddenly found himself placed on his defense. This petition, together with a remonstrance drafted by Morris, was read to him. In it he was accused, among other things, not only of accepting bribes, but also of "encroaching upon popular liberty by denying the freeholders' election of their representatives"; and as the reading progressed, different passages in it were commented on by the members accompanied by caustic remarks. "At the more pointed passages Cornbury, assuming a stern air of authority, would cry out: 'Stop! what's that?' When thus interrupted Jennings would look steadily into the governor's eyes for an instant, and then meekly, but emphatically, reread the offensive paragraph, bringing out every shade of meaning with stinging fullness of articulation."[1] Cornbury attempted a reply to this arraignment, but his arguments were such as relied for their effect on mere personal abuse. Finally, upon his charging the Quakers with disloyalty, that sect, in a second paper, replied to this charge in the words of Nehemiah to Sanballat: "There is no such things done as thou sayest, but thou feignest them out of thine own heart." Completely foiled, the governor returned to New-York.

Shortly after his controversy with the New Jersey assembly, Cornbury suffered a severe domestic affliction in the death of his wife, who died on Sunday, August 11, 1706, in the thirty-fifth year of her age. Katherine, Lady Cornbury, was the daughter of Lord O'Brian, son of the Earl of Richmond of Ireland, and of Lady Katherine Stuart, sister of the Duke of Richmond and Lenox. She was married to Lord Cornbury July 10, 1688, and on the death of her mother became Baroness Clifton of Warwickshire, England. She accompanied her husband to America, suffering from what seems to have been a pulmonary complaint, and was never well from the time of

[1] Lamb's "History of New-York City," 1: 475.

her landing until her death. She appears to have been an amiable woman, and to have exercised a restraining influence over her dissolute husband. On one of his visits to Albany to attend an Indian council one of the River Indians presented her with a magnificent otter-skin for a muff, as a testimony from his tribe to her personal character; and she seems, also, to have inspired her dependents with affection. As her end drew near, her husband, who loved her devotedly, "watched by her bedside night and day, and reprimanded nurses and servants for the most trifling negligence." By her marriage he had seven children, of whom only one son and two daughters survived their mother. Her funeral sermon (afterward reprinted in London) was preached by the Rev. John Sharp, chaplain of the fort; and her obsequies, which were conducted with much pomp and ceremony,[1] took place in Trinity Church.[2]

The memory of his wife seems for a time to have had a chastening effect upon the governor. He was at first completely prostrated by his grief, and refused all consolation;[3] but it was not long ere his old habits resumed their sway, and he became even more dissipated than before his bereavement.[4] At the same time he was most ostentatious in the performance of his formal religious duties, and apparently thought that the greater his zeal in the persecution of dissenters, the surer would be his ultimate reward. Imbued with this idea, he looked around to see in what way he could put his zeal into practice. Nor was it long before he saw his opportunity. His apparent success in

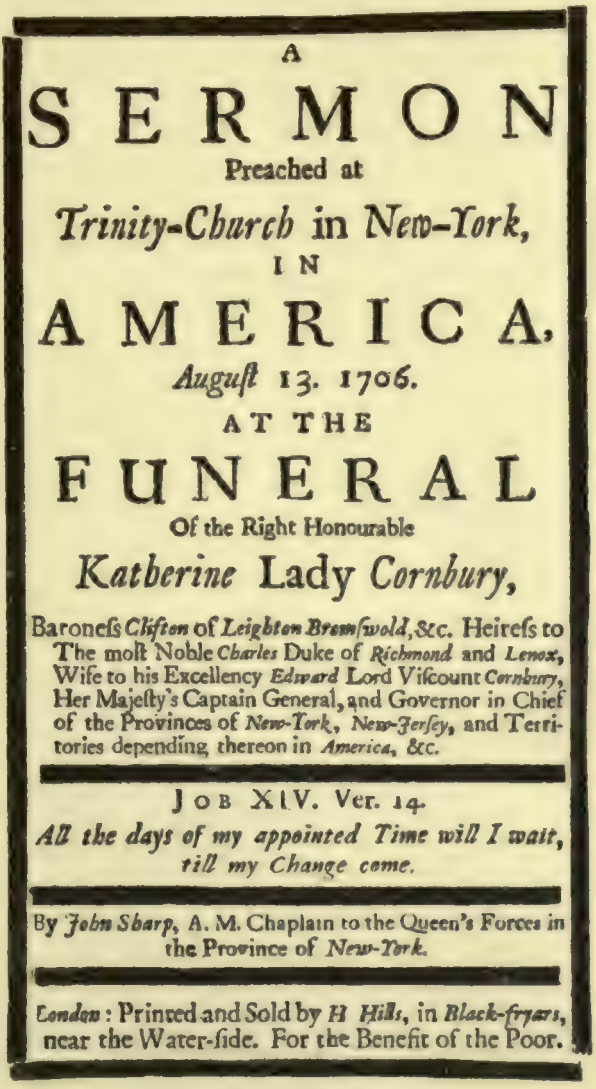
[1] At least this is the inference when we read (Doc. rel. Col. Hist. N. Y., 5: 111) that three hundred pounds were paid to a Mr. Budinot from sale of crown lands in Bushwick, L. I., as "due for part of Lady Cornbury's funeral." See also "An Account of Maladministration in ye Government of New-York, by ye late Chief Justice Mompesson" (Doc. rel. Col. Hist. N. Y., 5: 406), where this grant for Lady Cornbury's funeral expenses, as well as others, is among the proofs of this "maladministration."

[2] In December, 1839, on the foundation of the tower of Trinity Church being removed, a grave was opened which contained the fragments of a coffin. The large plate which had been placed on the lid was still intact, and perfectly legible, and showed the arms of the family of Richmond, and the name of Lady Cornbury. Her age, pedigree, and date of her decease were also given. A new tomb was provided wherein these relics were interred. EDITOR.

[3] It seems cruel to disparage this lady's character, and at the same time to dissipate into an "airy nothing" the only redeeming feature that it appeared possible to ascribe to Lord Cornbury — his attachment to his wife, although his known licentiousness already cast some doubt on this alleged devotion. But the following extract, based on information that came down from mouth to mouth in respectable families whose earlier members were themselves the sufferers, affords testimony that cannot be easily gainsaid: "The lady of this very just [a term used satirically, following an account of Cornbury's defrauding of Mr. Bedlow's widow and heirs] nobleman was equally a character. He had fallen in love with her ear, which was very beautiful. The ear ceased to please, and he treated her with neglect. Her pin-money was withheld, and she had no resource but begging and stealing. She borrowed gowns and coats and never returned them. As hers was the only carriage in the city, the rolling of the wheels was easily distinguished, and then the cry in the house was, 'There comes my lady; hide this, hide that, take that away.' Whatever she admired in her visit she was sure to send for the next day. She had a fancy to have with her eight or ten young ladies, and make them do her sewing-work, for who could refuse their daughters to my lady? My step-grandmother was one of these favored girls." (Mrs. Janet Montgomery's Unpublished Memoirs, cited in "Biographies of Francis Lewis and Morgan Lewis," by Mrs. Julia Delafield, 2 vols., New-York, 1877, 1: 205, 206.) Mrs. Montgomery was the sister of Mayor Edward Livingston, and the widow of General Richard Montgomery, who fell at Quebec, December 31, 1775. EDITOR.

[4] This statement is founded on numerous letters and documents, written by parties in a position to know, and which are scattered through Vols. IV and V of the Doc. rel. Col. Hist. N. Y.

removing the Presbyterian clergyman in Jamaica from his church and parsonage, some years previous, had, it would seem, only whetted his appetite for similar prey. "He [Cornbury] detested," says the historian Smith, "all who were not of the same denomination as his own, and being averse to every sect except his own, he insisted that neither the ministers nor the schoolmasters of the Dutch, the most numerous persuasion in the province, had a right to preach or instruct, without the gubernatorial license, and some of them tamely submitted to his unauthoritative rule."[1] But not all. At this time the Presbyterians in New-York city were few in number, and possessed of no building in which to worship. For these reasons they were accustomed to meet on the Sabbath at the private houses of different members of that denomination and have religious services. This was the state of things when two Presbyterian divines, Rev. John Hampton of Maryland, and Rev. Francis Makemie of Virginia, the latter a clergyman conceded by all his contemporaries to have been



A

SERMON

Preached at

Trinity-Church in *New-York*,

IN

AMERICA,

Auguſt 13. 1706.

AT THE

FUNERAL

Of the Right Honourable

Katherine Lady *Cornbury*,

Baroneſs *Clifton* of *Leighton Bromſwold*, &c. Heireſs to The moſt Noble *Charles* Duke of *Richmond* and *Lenox*, Wife to his Excellency *Edward* Lord Viſcount *Cornbury*, Her Majeſty's Captain General, and Governor in Chief of the Provinces of *New-York*, *New-Jerſey*, and Territories depending thereon in *America*, &c.

JOB XIV. Ver. 14.

All the days of my appointed Time will I wait, till my Change come.

By *John Sharp*, A. M. Chaplain to the Queen's Forces in the Province of *New-York*.

London: Printed and Sold by *H Hills*, in *Black-fryars*, near the Water-ſide. For the Benefit of the Poor.

FAC-SIMILE OF TITLE-PAGE.

[1] Smith's "History of New-York" (1st edition), pp. 104–106. Also, in the edition of 1830 in two volumes (2:186) Smith speaks as follows of the various denominations in the city at this date: "The inhabitants of the city of New-York consisted at this time of Dutch Calvinists, upon the plan of the church of Holland; French refugees, on the Geneva model; a few English Episcopalians; and a still smaller number of English and Irish Presbyterians, who having neither a minister nor a church, used to assemble themselves every Sunday at a private house, for the worship of God." Smith was himself a Presbyterian.
EDITOR.

of eminent piety as well as of strong intellectual power, visited New-York on their way to Boston. Upon their calling on the governor, they were invited to remain to dinner. They accepted the invitation, but during their visit made no mention — and in this they were undoubtedly in fault — of their intention to preach in the city the following day. Upon learning of their wishes in this respect, the pastor of the Dutch church and the elders of the French church offered them their pulpits, with the proviso, however, that the governor's consent should first be obtained.[1] This kind invitation was declined on the ground that they "had the Queen's authority to preach anywhere in her dominions"; and while on Sunday Makemie addressed the Presbyterians of the city at the house of a Mr. Jackson, a shoemaker, Hampton preached in the Presbyterian Church at Newtown, Long Island. As soon as the governor heard of these proceedings, he ordered the sheriff of Queens County to arrest the two clergymen, who chanced to be stopping at Newtown, and conduct them into his presence. This order was executed in such a coarse and brutal manner that when the two offenders were brought before the governor, they were neither of them in a conciliatory temper. On the contrary, smarting under the rough treatment to which they had just been subjected, they (and especially the Rev. Mr. Makemie), in answer to Cornbury's questions, justified their conduct in no measured language. "The law," the governor said, "would not permit him to countenance strolling preachers, who, for aught he knew to the contrary, might be Papists in disguise." "You must," he continued, "first qualify yourselves by satisfying the Government you are fit persons to occupy a pulpit before you can be permitted to preach." To this Makemie defiantly replied that he had qualified himself according to law in Virginia, and that, having done so, he "would preach in any part of the Queen's dominions, where he pleased; that this part of the Province is part of the Queen's dominions as well as Virginia, and that the license he had obtained there was as good as any he could obtain here." Finally the controversy, which had become exceedingly acrimonious, was summarily brought to a close by Cornbury committing the clergymen to prison. Chief Justice Mompesson,[2] to whom an ap-

[1] Perhaps no better idea of the difference between the state of things existing at that time and the present can be arrived at than by the reader imagining a Presbyterian minister who should visit New-York city at the present time from Massachusetts, for instance, asking first the permission of the governor of New-York to occupy the pulpit of some eminent Baptist divine. To show, moreover, the way in which dissenters were regarded at this period by the ruling powers, it may be mentioned that the formal permission to each dissenting clergyman to preach opened in these words, "You are hereby licensed, tolerated and allowed to be Minister of the Dutch [or Presbyterian, as the case might be] congregation, &c."

[2] "Roger Mompesson, who, in private life, bore the character of an ingenuous, honest man, succeeded, in July, 1704, Mr. Bridges, as the seventh chief justice of New-York; and in February, 1705, was appointed a member of the council for that province. He was an able lawyer, and by his experience probably did more than any other man to mold the judicial system both of New-York and New Jersey." (Field's "Provincial Courts in New Jersey.")

peal might have been taken, being out of the city, it was nearly seven weeks before the prisoners were brought to trial, during all of which time they languished in the city jail. While in prison Rev. Mr. Makemie, like Bunyan, found means to communicate with his sympathizers in the outside world, not, indeed, by an immortal allegory, but by the publication, in pamphlet form, in Boston of the sermon which had brought him into this strait.[1] The sermon was "dedicated to the small congregation who heard the following sermon"; and the preface to the printed discourse was as follows: "My Brethren: I appeal to you as witnesses that this is the sermon for which I am now a Prisoner. As I first delivered this practical and plain sermon to few, so I am now committing it to publick view of all; that both you and they may try it at the bar of Scripture, law and reason, and impartially determine whether it contains anything savoring of Pernicious Doctrine and Principles; anything to the disturbance of the Church of England or of the Government. If I had been thoroughly acquainted with New-York, and the irregularities thereof, which afterwards I was an eye and ear witness of, I could not have fixed on a more suitable doctrine."

DE PEYSTER CHATELAINE.

Meanwhile, the publication of this sermon, which, as the preface stated, showed plainly that it had contained nothing reflecting on the Church of England or the government, but, on the contrary, was only an able and thoroughly evangelical discourse, caused the entire community, irrespective of sect, to feel that the clergymen had been the victims of gross injustice and tyranny; and the least unpleasant epithet applied to the governor was that of "a narrow-minded persecutor of Presbyterians." The trial, which at length came on, resulted, amid great excitement and great cheering, in a complete acquittal of the prisoners; yet, with singular inconsistency, the clergymen were condemned to pay all the expenses of the prosecution. The force of public opinion, however, was too much even for Cornbury, who, now thoroughly frightened at the possible results of his arbitrary conduct, thought it advisable to write a long letter to the lords of trade extenuating his action in

[1] The following is the title-page of this pamphlet, which, as being extremely rare, is here given: "A good conversation; | a | sermon preached at the City | of | New-York | Jan. 19, 170⅘ | By Francis Makemie. Minister of the Gospel of Christ | Matthew. 5th. 11th: 'Blessed are ye when men shall | revile you and persecute you, and shall say all manner of evil against you falsely for my name's sake,' | Acts 5th, 29th: 'Then Peter, and the other Apostles | answered and said, We ought to | obey God, rather than Men' | *Preces et lachrymæ sunt arma* | Boston in N. E. | Printed by B. Green, for Benj. Eliot | Sold at his Shop, 1707."

the matter and concluding as follows: "I entreat your Lordships' protection against this malicious man [Rev. Francis Makemie], who is well known in Virginia and Maryland to be a disturber of the peace of all the places he comes into. He is a Jack of all Trades; he is a Preacher, a Doctor of Physick, a Merchant, an attorney or Counselor at law, and, which is worse of all, a Disturber of Governments."[1]

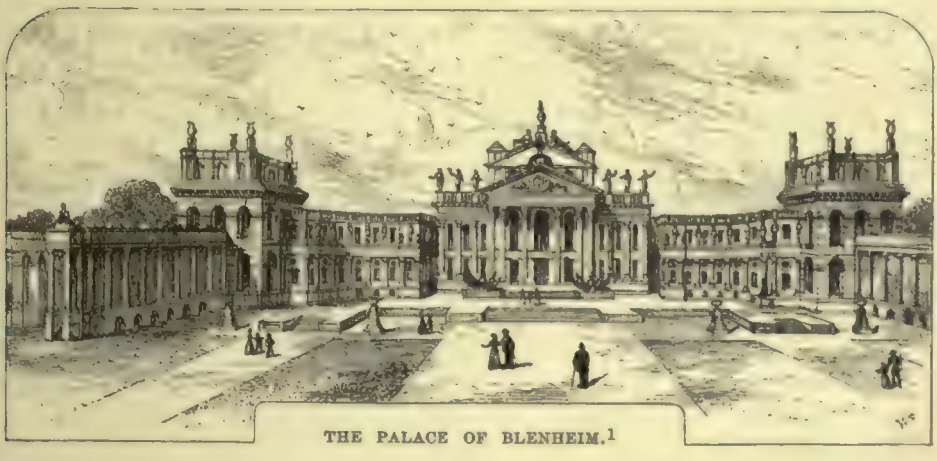
A sketch of the administration of Governor Cornbury would be incomplete were not a reference made to the bestowal upon the Corporation of Trinity Church of the "King's Farm and Garden." The use of this farm had been granted by a lease, dated August 19, 1697, to that corporation by Governor Fletcher, though he evidently had no idea of anything beyond its temporary occupancy.[2] Even at that time, Governor Fletcher's action in the matter had given rise to much comment, amounting indeed at the time to very severe and caustic criticism. This criticism had its effect upon the legislature, which body, even at this early day being jealous of the growing power and wealth of the corporation of Trinity Church, and not being willing, moreover, to intrust it with the possession of the "King's Farm and Garden," vacated the lease of Governor Fletcher by an act of the assembly in 1699. To make this loan a permanent gift, however, had been one of the pet projects of the Rev. William Vesey; and now that Cornbury strove to make up for his laxity of personal morality by an ostentatious display of religious zeal, the former thought this a good opportunity, notwithstanding the vacation of the lease, to obtain permanent possession of the land. Accordingly, Cornbury, influenced by Vesey, exerted all his power with the assembly to have an act passed which should pave the way for a permanent grant to Trinity Church of the King's Farm;[3] and Queen Anne, who was intentionally flattered by the idea of being considered the "Lady Patroness" of

[1] Rev. Francis Makemie, the first regularly settled Presbyterian clergyman in New-York, was a native of Ireland. After his difficulty in New-York, he narrowly escaped a second prosecution for preaching another sermon, with a new charge of being the author of a paper called "Forget and Forgive." He was a man of talent and influence, and the above remarks of Cornbury are entirely destitute of foundation. (Doc. rel. Col. Hist. N. Y., 4: 1187; "Collections of the New-York Historical Society for 1870," p. 415. Also, Mrs. Lamb's "History of New-York City," 1: 474.)

[2] The rental was merely nominal, being only sixty bushels of winter wheat yearly. (N. Y. Hist. Soc. Coll. for 1870, p. 345.) In this connection, it may be of interest to our readers to give a single instance showing the value of real estate two hundred and thirty years ago. "I have before me," says Dr. O'Callaghan, in a letter to the "Historical Magazine" for June, 1860, "a deed of a piece of land described as follows: 'It stood on the west side, by the Broad highway [Broadway], bounded on the east and north sides by the same highway and the city wall [the line of Wall Street]; and on the west by Domine Drisius and southerly by Jacob Vis, and the garden of the West India Company.' The lot was eight rods (or 128 feet) front by about the same in depth. The price paid for it in 1657 was 1850 guilders, or $750. The property was immediately south of Trinity Church."

[3] This farm, first called "the Duke's," then "the King's," and finally "the Queen's Farm," included all the land "lying and being on the Island Manhattan, in the city of New-York, and bounded on the east partly by the Broadway, partly by the Common, and partly by the Swamp, and on the west by Hudson's River. And also, all that one piece or parcel of land, situate and being on the south side of the Church-yard of Trinity Church aforesaid, commonly called or known by the name of the Queen's garden, fronting to the Broadway, on the east, extending to low water mark upon Hudson's River on the west." See map of Anneke Jans's Farm, Vol. I., p. 234.

Trinity Church, gave her consent to the gift, and granted this entire property, by letters patent, under the great seal of the colony of New-York, "to the Rector and inhabitants of the City of New-York in communion with the Church of England." This action on the part of the queen and Lord Cornbury was met by strenuous opposition on the side of those not directly interested in the transaction. Not only was the executive severely criticized in the assembly, but many did not hesitate to say openly that the governor's intention "was not only to



THE PALACE OF BLENHEIM.[1]

rob the queen, but to give an opportunity to the corporation to steal from individuals their estates, if it ever could be possible to get into that respectable body members possessed of meanness enough and actuated with the same zeal and bigotry that his lordship (Cornbury) was, in perfidiously pilfering from the Minister of Jamaica, on Long Island, the Parsonage House and Glebe." Finally, public sentiment against the grant became so strong as to make itself felt at Whitehall, and to induce the queen in 1708 to repeal the act of 1702. Consequently, the grant in that year (1708) fell of its own weight, "as did also," remarks the historian William Smith, with subtle irony, "the steeple of Trinity Church."

Governor Cornbury, however, to use a homely but strong expression, was fast coming "to the end of his tether." Indeed, it is highly probable that he would long before have been recalled, if not dismissed in disgrace, had it not been for his relationship to Queen Anne. No other governor of New-York had received more frequent

[1] When Marlborough died his remains were deposited with imposing solemnity in Westminster Abbey, but they were soon after removed to Blenheim, where they were placed in a magnificent mausoleum, and where they still remain, surmounted by the noble pile which the genius of a Vanbrugh had conceived to express a nation's gratitude to her great military hero. The present duchess is a native of New-York, and was for many years a resident of this city. EDITOR.

or severer reprimands from the lords of trade than himself; but even their patience was at last exhausted. Cornbury's downfall, however, was hastened by the following circumstance. Upon his returning to New-York from New Jersey, utterly discomfited by his defeat in his controversy with the assembly of that province, he had applied to the New-York legislature for a continuation of his yearly salary, which, by a previous act, was on the eve of expiring. This the assembly, becoming restive under the governor's repeated acts of injustice, flatly refused to do. On the contrary, they appointed a "Committee on Grievances," the chairman of which was William Nicolls, then speaker of the house. This committee reported a series of resolutions, the last of which was evidently directly aimed at the case of Rev. Francis Makemie, in whose trial the speaker had been one of the counsel for the defense. These resolutions, both as showing the temper of the assembly at this time (1708) and as illustrating the arbitrary acts of Cornbury's administration, are here given in full:

Resolved: That it is the opinion of this Committee that the appointing Coroners in this Colony, without their being chosen by the people, is a grievance, and contrary to law.

Resolved: That it is, and always has been, the unquestionable right of every free man in this Colony, that he hath a perfect and entire right in his property and estate.

Resolved: That the imposing and levying of any moneys upon her Majesty's subjects of this Colony, under any pretense or color whatsoever, without consent in General Assembly, is a grievance and a violation of the people's property.

Resolved: That for any officer whatsoever to extort from the people extravagant and unlimited fees, or any money whatsoever, not positively established or regulated by consent in General Assembly, is unreasonable and unlawful, a great grievance, and tending to the utter destruction of all property in this plantation.

Resolved: That the erecting a Court of Equity without consent in General Assembly is contrary to law, without precedent, and of dangerous consequence to the liberty and property of the subjects.

Resolved: That the raising of money for the Government, or other necessary charge, by any tax, impost or burden on goods imported or exported, or any clog or hindrance on traffic or commerce, is found by experience to be the expulsion of many, and the impoverishing of the rest of the planters, freeholders and inhabitants of this Colony; of most pernicious consequence, which, if continued, will unavoidably prove the ruin of the Colony.

Resolved: That the excessive sums of money screwed from Masters of vessels trading here, under the notion of Port-charges, visiting the said vessels by supernumerary officers and taking extraordinary fees, is the great discouragement of trade, and strangers coming among us, and is beyond the precedent of any other port, and without color of law.[1]

[1] It would seem as if the particular grievances mentioned in this resolution were even yet (1892) not done away with, since both American and foreign captains of vessels still bitterly complain of these very impositions. Indeed it was only lately that a captain of a merchantman told the writer that in no other port save in that of the Port of New-York were captains obliged to pay so many excessive fees on various pretexts in entering and clearing their vessels.

Resolved: That the compelling any man, upon trial by a jury, or otherwise, to pay fees for his prosecution, or anything whatsoever, unless the fees of the officers whom he employs for his necessary defense, is a great grievance, and contrary to justice.[1]

These resolutions, which were at once forwarded to the home government, were supplemented by a number of petitions, signed by influential citizens of New-York and New Jersey and sent in the same mail, asking for the removal of a governor who had disgraced his office, not only by peculations and misappropriations of the public moneys, but by immoral private practices.

Cornbury was now thoroughly alarmed; but, retaining the semblance of authority, he made great efforts to neutralize the effect of these petitions. The members of his council were still his creatures; and he hoped, by obtaining from them a resolution exonerating him from the charges of corruption, to prevent, or at least postpone, his recall. In order, moreover, to make his appeal to his council the more effective, he assumed, on his appearing before that body, the air of an extremely injured man. "I understand," he said, "that some complaints have been made at home against me, one whereof is that I have browbeaten the gentlemen of the council and would not allow them freedom of debate. As the truth or falsehood thereof is known to the members of this Board, I am desirous of communicating this matter to them, and I will now leave them alone to consider thereof with all freedom and liberty of debate thereon, and the result of your deliberations to be entered in the minutes of ye Council." As a result of this appeal, the council, still his willing tools, reported, on October 27, 1708, that "having fully debated the aforesaid matter, do unanimously declare that directly nor indirectly they do not know that ever his said Excellency has browbeaten them or either of them or any other members of the Board, but that freedom and Liberty of Debate has been always allowed upon every instance and occasion to every member thereof. His Excellency likewise informed this Board that another complaint has been made also against him at home of a higher nature, if possible, and that is, that his Excellency has converted very great parts of the revenue to his own use, to clear which his Excellency will order the Accounts of the Revenue to be laid before this Board to-morrow morning, whereon they may be better enabled to make a true judgment of the said complaint. The gentlemen of this Board, having considered what his Excellency told them yesterday concerning a complaint made against him at home of his converting the Revenue to his own use, do unanimously declare (his Excellency having left them alone) that since they have respectively sat at this Board they do not know that his Excellency has received any money out of the

[1] "Journal of the Legislative Council of New-York."

Public Revenue other than by warrants passed in Council in the usual manner, which warrants have been either for his salary or towards defraying the expense of his Excellency's expedition to Albany from time to time."[1] This coat of official "whitewash," however, proved of no avail; for the lords of trade, upon receiving the resolutions of the New-York assembly, lost no time in recommending to the queen his immediate recall. The latter, already mortified at the manner in which she had been cajoled into signing the grant of the King's Farm to Trinity Church, unhesitatingly acquiesced in this suggestion of her advisers, with the result that Cornbury was summarily and with scant courtesy deposed from the governorship of the province of New-York, John, Lord Lovelace, Baron of Hurley, being appointed in his place.

CORNBURY IN FEMALE ATTIRE.[2]

The old phrase "the King is dead, long live the King" was never more strikingly illustrated than in the effects of this action of the crown. Immediately, all the creditors of the disgraced governor, who had long hovered around their quarry, and had been restrained from taking summary measures only on account of its soaring height, swooped down upon the unfortunate man. Now there were "none so poor to do him reverence." The magic panoply of official position having been rudely stripped from him, he was at once arrested and thrown into the debtors' prison. Indeed, to such a fever-heat had public opinion risen against him that the sheriff, who, influenced per-

1 MS. Council Minutes in the Secretary of State's Office in Albany, N. Y., pp. 249–252.

2 Lord Stanhope says, in his "History of England" (Vol. I., p. 79), that when Lord Cornbury was appointed governor of New-York, and told he should represent her Majesty, he fancied that it was necessary to dress himself as a woman, and actually did so. Other authorities ascribe his silly masquerading in female attire to his belief that in that garb he resembled his cousin, the queen! Still another reason is assigned in Mrs. Montgomery's "Recollections." She says: "He [Lord Cornbury], in consequence of a vow, obliged himself for a month in every year to wear every day women's clothes. He was a large man, wore a hoop and head dress, and with a fan in his hand was seen frequently at night on the ramparts." Lewis Morris, writing to the Secretary of State recommending a certain person for governor, remarks: "He is an honest man, and the reverse of my Lord Cornbury, of whom I must say something which perhaps nobody will think worth their while to tell, and that is his dressing publicly in woman's clothes, every day, and putting a stop to all public business while he is pleasing himself with that peculiar but detestable magot." There are but two portraits of Lord Cornbury. The most important, in the possession of Lord Hampton, represents him in female attire as seen in the above vignette; the other is a small carving in ivory in the Bodleian Library, Oxford, that has never been engraved; but drawings have been made from it by Harding and other artists. The portrait at the beginning of the chapter is the Hampton picture put in the military garb of the period by our artist Reich.

EDITOR.

haps by past favors, had dealt leniently with him in his confinement and had connived at his escape from prison, came very nearly losing his position. He languished behind prison bars until, by the death of his father, he succeeded to the earldom of Clarendon, and with it to the privileges of the peerage. Simultaneously with the news of his father's death came a sufficient sum of money to liquidate his private indebtedness; and, being set at liberty, he returned to England unregretted even by those "fair-weather" friends who, while he was the sun, had, like so many satellites, revolved about him, to take his seat in the House of Lords as the third Earl of Clarendon. He died in London, April 1, 1723. By his death the earldom became extinct. One of his daughters married the Earl of Darnley. At a later date the title was recreated in the person of a distant relative, from whom the present Earl of Clarendon is descended.

In forming a just estimate of the character of Governor Cornbury, one cannot but be struck with a singular fact,— viz., that, with the exception of Governor Dongan, the colonial governors of New-York under the frivolous Charles and the bigoted James were personally and politically far superior to those appointed by the industrious and liberal-minded William of Orange. Indeed, it is difficult for the conscientious historian to speak of Cornbury and his administration as the facts warrant, without laying himself open to the charge of painting his portrait in too somber colors. The only redeeming trait in his private life seems to have been his devoted love for his wife, and in his public life the statesmanlike paper he drew up for the conquest of Canada.[1] But with these two exceptions his entire career, both in England and in New-York, was marked not only by an inherent lack of personal honesty, but by conduct which could have been caused only by a thoroughly depraved nature. Even as a military man his reputation was so low that when he betrayed his uncle James it was a matter of remark (until the hand of Churchill was seen in it) that he should have been intrusted with those three regiments which he carried over to William. Coming to America already overwhelmed with debts, incurred to afford the means of indulging his evil propensities, he used his governorship solely as a means to recoup his fortunes; and had it not been for his royal kinship, he would have been styled by his contemporaries a mere "political adventurer," which, in truth, he actually was. The picture of him which illustrates this chapter must be an excellent likeness, since it portrays those same personal characteristics for which he was so distinguished in life,—namely, weakness, superciliousness, bigotry,

[1] It is only reasonable to suppose that, had this paper emanated from any other than one whose character was so well known and who was so thoroughly distrusted, it would have received from the home government more careful consideration.

effeminacy, and sensuality. There have been natures like his, thoroughly depraved, which have, nevertheless, shown wisdom, bravery, decision, and statesmanship. All of these qualities, however, were in Lord Cornbury utterly lacking. He even was so destitute of personal dignity as to be in the habit of amusing himself by dressing in female apparel and parading around the fort before the soldiers of the garrison, his seeming object, if, indeed, he had any, being to show the spectators how much his features resembled those of his cousin the queen. He accepted bribes, plundered the public treasury, diverted government appropriations to his individual sensual pleasures, involved himself in private debts, and, in fine, used his official prerogative solely for the gratification of his selfish and personal ends. Even on those occasions when he roused himself to take an active part in legislation, it was either for the purpose of obtaining additional revenue for himself, or of making the breach between the people of the colony and the crown as wide as possible.

The only things worthy of note in his administration are: first, the establishment by the corporation of the city of New-York of a free grammar school; and secondly, with no design of his part, the promotion of harmony among the colonists of various races, and the advancement of civil and religious liberty. His administration had taught "men to be watchful, to withdraw confidence from foreign rulers, to canvass the rights of British subjects, and to study the necessities, as well as the methods, of resistance." His character is well summed up by William Smith, who was personally acquainted with men who had known Cornbury, when he says: "We never had a governor so universally detested, nor one who so richly deserves the public abhorrence. In spite of his noble descent, his behavior was trifling, mean, and extravagant. The indignation of the people was kindled by his despotic rule, savage bigotry, insatiable avarice, and injustice not only to the public but even his private creditors." Finally, as Sir Edmund Andros may be considered the ablest and purest of the colonial governors of New-York,[1] so may Lord Cornbury be justly ranked as the weakest and most dissolute. Yet, when compared, in point of ability and manly qualities, with those rapacious English colonial governors of later times, Lord Clive and Warren Hastings, Cornbury appears an exceedingly commonplace villain, a mere bottle-imp by the side of Satan, as portrayed in stupendous grandeur by Milton.

[1] Governors Dongan and Burnet, it is true, were men of much executive ability, particularly in their conduct of Indian relations, and of excellent personal character; but in every trait which showed an appreciative understanding of exactly what was wanted and an adaptation of means to ends, Andros, it seems to the writer, after a very careful study of his times, was, as stated in the text, the ablest of the colonial governors of New-York.

DESCRIPTION OF NEW-YORK IN THE YEAR 1704–1705

"The Cittie of New-York is a pleasant, well compacted place, situated on a Commodius River w^ch^ is a fine harbour for shipping. The Buildings Brick Generaly, very stately and high, though not altogether like ours in Boston. The Bricks in some of the Houses are of divers Coullers and laid in Checkers, being glazed look very agreeable. The inside of them are neat to admiration, the wooden work, for only the walls are plastered, and the Sumers and Gist are plained and kept very white scour'd as so is all the partitions if made of Bords. The fire places have no Jambs (as ours have) But the Backs run flush with the walls, and the Hearth is of Tyles and is as farr out into the Room at the Ends as before the fire, w^ch^ is Generally Five foot in the Low'r rooms, and the peice over where the mantle tree should be is made as ours with Joyner's work, and as I suppose is fasten'd to iron rodds inside. The House where Vendue was, had Chimney Corners like ours, and they and the hearths were laid w^th^ the finest tile that I ever see, and the stair cases laid all with white tile which is ever clean, and so are the walls of the Kitchen w^ch^ had a Brick floor. They were making Great preparations to Receive their Governor, Lord Cornbury from the Jerseys, and for that End raised the Militia to Gard him on shore to the fort.

"They are Generaly of the Church of England and have a New England gentleman for their minister, and a very fine church set out with all Customary requsites. There are also a Dutch and Divers Conventicles as they call them, viz. Baptist, Quakers, &c. They are not strict in keeping the Sabbath as in Boston and other places where I had bin, But seem to deal with great exactness as farr as I see or Deall with. They are sociable to one another and Curteos and Civill to Strangers and fare well in their houses. The English go very fasheonable in their dress. But the Dutch, especially the Middling Sort, differ from our women, in their habitt go loose, wear French muches w^ch^ are like a Capp and a head band in one, leaving their ears bare, which are sett out w^th^ Jewells of a large size and many in number. And their fingers hoop't with Rings, some with large stones in them of many Coullers, as were their pendants in their ears, which you should see very old women wear as well as Young.

"They have Vendues very frequently and make their earnings very well by them, for they treat with good Liquor Liberally, and the Customers Drink as Liberally and Generally pay for't as well, by paying for that which they Bidd up Briskly for, after the Sack has gone plentifully about, tho' sometimes good penny worths are got there. Their Diversions in the Winter is Riding Sleys about three or four Miles out of Town, where they have Houses of entertainment at a place called the Bowery, and some go to friends Houses who handsomely treat them, Mr. Burroughs cary'd his spouse and Daughter and myself out to one Madame Dowes, a Gentlewoman that lived at a farm House, who gave us a handsome Entertainment of five or six Dishes and choice Beer and metheglin, Cyder, &c. all which she said was the produce of her farm. I believe we mett 50 or 60 slays that day—they fly with great swiftness and some are so furious that they 'le turn out of the path for none except a Loaden Cart. Nor do they spare for any diversion the place affords, and sociable to a degree, they'r Tables being as free to their Naybours as to themselves." ("The Journal of Madam Knight," New-York, 1825, pp. 52–56.)

PROMINENT CITIZENS AND MERCHANTS

Among the prominent citizens at the beginning of the eighteenth century not already mentioned in connection with events of a historic character, or in any official capacity, were the following: Balthazar Bayard, elder brother of Colonel Nicholas Bayard; he

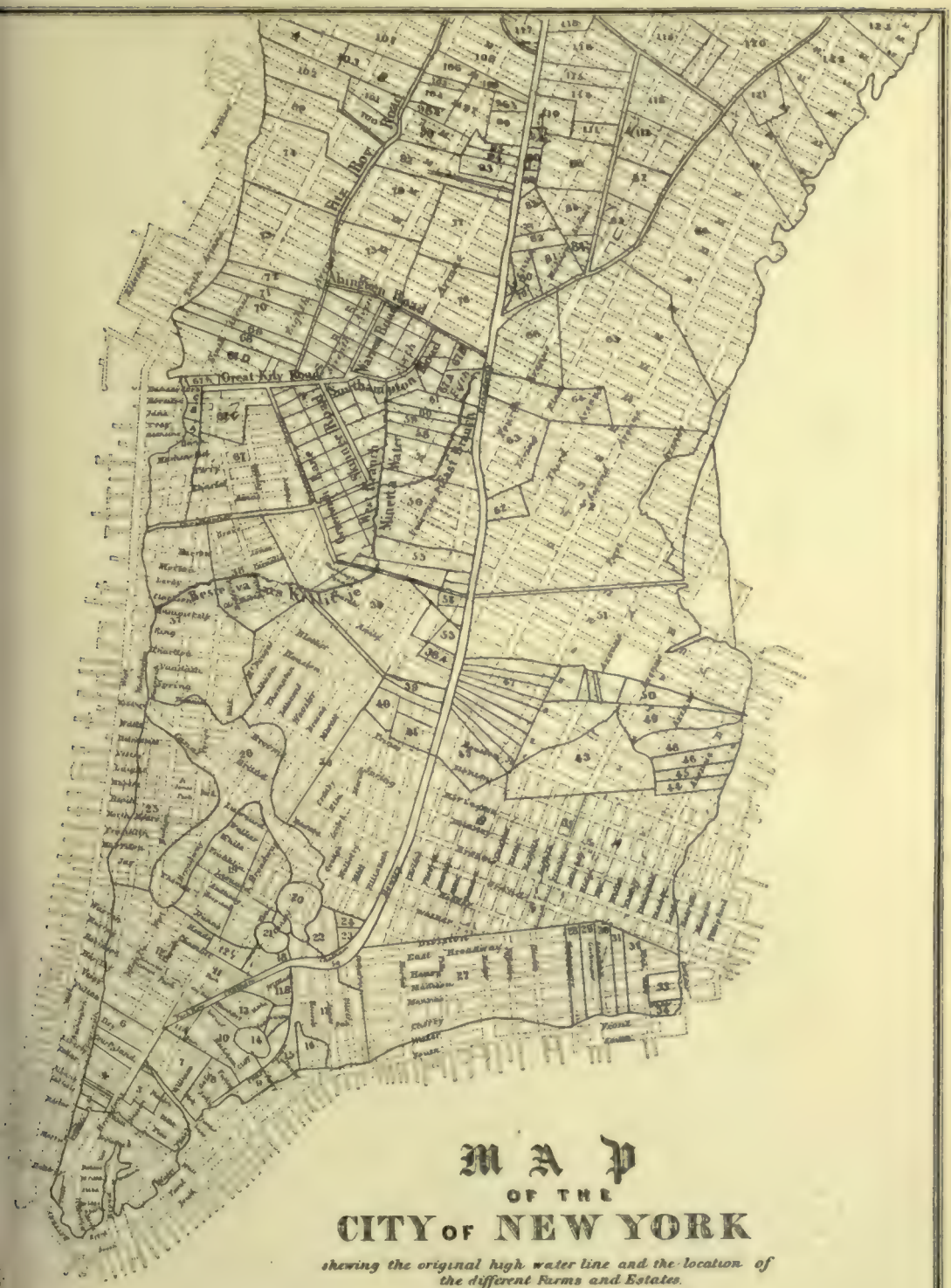
resided on Broadway, west side, opposite Bowling Green; — Peter Bayard, the eldest of the three brothers, lived on the corner of Broadway and Exchange Place; he married Blandina Kierstede, daughter of Dr. Hans Kierstede, and a granddaughter of Anneke Jans; — Jacob Boelen, merchant, residing on the west side of Broadway, above Liberty street; — Martin Clock, residing, while in business as a cooper, on the northwest corner of Pearl street and Hanover Square; accumulating a competence, he purchased a farm further up the island, retired from business, and represented the Out ward; — Abraham Corbett kept a tavern, the "Royal Oak," on Broadway, east side, two doors below Exchange Place; he represented the ward in the common council; — Jacobus De Kay, merchant, son of Tunis De Kay and grandson of Burgomaster Van Brugh; he lived on Broad street, above Beaver, west side; — James Emott, a lawyer of eminence, residing on Broadway, east side, above Wall street; he was engaged in several state trials; — John Harpending, dealer in leather, residing on Stone street, east of Broad street; he owned, with five others, the Shoemakers' Pasture, deeding his part to the Dutch Church; the "Evening Post" building stands on a part of this property; — Augustus Jay, merchant, born in France, married the daughter of Balthazar Bayard, and was the grandfather of John Jay; attained great wealth, and was succeeded in the business by his son Peter; — Suert Olpherts, mason and builder, acquiring wealth, built a fine residence on Broadway, south of Exchange Place, east side; — William Robinson, dealer in flour, his father having become rich through the possession of a mill during the bolting privilege; the place of business was in Pearl street, north of Wall.

The following were also prominent in various ways: Thomas Burroughs, Thomas Davenport, Lawrence Reade, Adrian Hooghland, John Cholwell, David De Robles, Matthew Ling, John Theobalds, Nicholas Jamaine, Paul Droilhet, Daniel Cromeline, Caleb Cooper, Edward Antill, Thomas Roberts, Claes Evertsen, Robert Hooper, John Tudor, Gerrit Onclebagh, and William Bickley. EDITOR.

KEY TO MAP OF NEW-YORK SHOWING FARMS AND ESTATES

NOTE.—The explanation of the numbers is given of only the most important features or estates.

1. Extent of the city under the Dutch governors; wall along Wall street.
2, 4, 5, 6, 12. Comprising what was known at different periods as West India Company's, Duke's, King's, Queen's farm; finally ceded to Trinity Church.
7. The Shoemakers' Pasture (the Dutch Church property included in this tract).
10. Beekman's Pasture.
11. The "Fields," or Common.
12½. Negro burying-ground.
13. Estate of Jacob Leisler.
14. "The Swamp," a section still known by that name.
17. The Roosevelt farm.
18. Janeway estate.
19. Kolk Hook.
20 and 21. The Kolk, or Collect, or Freshwater Pond.
25. The Domine's Hook, or Anneke Jans' farm.
26. Lispenard meadows.
27. The Rutgers farm.
35, A and B. De Lancey's east and west farms.
36. The Bayard farm.
37. Another portion of the Anneke Jans farm, Trinity Church property.
39. Bleecker's estate.
48, 50, 51, 52. Property of the Stuyvesants.
55. Belonging to Sailor's Snug Harbor.
56. The Brevoort estate.
64. Krom Messie (crooked little knife), corrupted into "Gramercy": so called from the resemblance of the shape of this property to that of a shoemaker's knife.



MAP
OF THE
CITY OF NEW YORK

shewing the original high water line and the location of the different Farms and Estates.

65. Rose Hill farm.
66. Estate of John Watts.
67. Estate of Admiral Sir Peter Warren, called Greenwich; the Indian name of the point of land here was Sapokanigan.
67, D. Estate of George Clinton and John Jacob Astor.
73. Estate of Bishop Moore.
74. Clarke estate.
76. Known as the Horn estate, originally patented by Sir Edmund Andros to Solomon Peters, a free negro, whose widow and heirs conveyed it to John Horn; held by Horn's descendants till recently.
86. Kip's Bay farm.
87. Murray Hill estate.
89, 93. John Slidell, formerly President of the Mechanics' Bank.
92. Estate of James A. Stewart.
98½. Estate of "Citizen Genet," the French Ambassador in 1794, who married Governor Clinton's daughter.
100. Estate of Richard Harrison, the distinguished lawyer.
107. Glass House farm, formerly belonging to Sir Peter Warren.
110, 116. Incleberg, where, 1776, General Howe and staff were entertained during the retreat of the American troops from New-York.
111. "Grange," country-seat of John Murray, Jr.
122. "Turtle Bay" or "Deutel Bay" farm.

CHAPTER III

LORD LOVELACE AND THE SECOND CANADIAN CAMPAIGN
1708–1710

DURING the past four centuries, six men bearing the knightly name of Lovelace have been known in English history. The earliest of these was that Sir Richard Lovelace who, in the "spacious days of great Elizabeth," amassed a fortune by sharing in the marauding expeditions of his friend Sir Francis Drake, and who aided in baffling and beating the so-called invincible Spanish Armada. Another was that audacious Lord Lovelace, celebrated by Macaulay, who abandoned King James, and took up arms for the Prince of Orange. Two were colonial governors of New-York, and two were connected with English letters. With one of these Lovelaces, who is nearly as old as the century, I became acquainted under circumstances that I may perhaps be permitted to mention briefly. It was during the summer of 1875 that the late historian Lord Stanhope invited me to accompany him to a meeting at Willis's Rooms, the great object of which was to take into consideration the propriety of erecting in London an appropriate memorial to the poet Byron. As we drove to the place of meeting, I happened to mention that my countrymen would be interested in such a memorial, and, I felt sure, would be willing to contribute to it. Disraeli presided, and was followed in the opening address by Lords Rosslyn and Stanhope, and by many others, who all delivered carefully prepared speeches. The chairman then announced, to my

RICHARD LOVELACE.

amazement, with the addition of some complimentary words, that there was an American gentleman on the platform who, he trusted, would now favor the audience with a few remarks. I had no idea of speaking unprepared in such a place and in such a presence, but, however, acting on Stanhope's hint, "Tell them what you told me," I made a short speech which was most kindly received. When the chairman and others retired from the platform to the committee-room, Mr. Disraeli presented me to Captain Trelawny, the friend of Byron and Shelley, and then said: "Here is another gentleman that wishes to make your acquaintance," whereupon I was introduced to the Earl of

Lovelace, who married Byron's only daughter. After exchanging a few remarks, Lovelace astonished Disraeli, Stanhope, and the other speakers, who were grouped around in a circle, by saying: "General Wilson, I think yours was the best speech made to-day"; and then to the relief of the distinguished orators added, "for it was the only one that I could hear."

To have immediately followed Lord Cornbury in the administration of New-York province was to the advantage of the character of any one succeeding him. By the side of the most incapable and discreditable governor of the colony, even a person of quite indifferent reputation would have shone brightly. But the character of John, Lord Lovelace, Baron of Hurley, needed no such comparison to commend it. He appears to have been an amiable and worthy gentleman, bearing an honorable name with dignity, and magnifying it by personal virtue. He had served his sovereign at home in positions of trust, and she now conferred on him the delicate task of assuming the government of New-York. It was hoped that he might restore a better order to affairs brought into such disgraceful confusion by the queen's cousin.

The coincidence of two governors of New-York within twoscore years of each other having borne the same name has naturally led to the conjecture that they belonged to the same family. And the nearness and nature of the family-tie has been variously stated by historians. While some assert that Lord Lovelace was the nephew, a greater number have made the statement that he was the grandson of Governor Francis Lovelace. The subject, therefore, has assumed sufficient importance to justify a minute examination of the facts. As far back as the days of Henry VI. there appears in the records of English genealogy the name of Richard Lovelace of Queenthite, near London, who purchased Bayford, in Kent. To this individual and his son Lancelot, both Francis Lovelace and Lord Lovelace traced their pedigree. Lancelot Lovelace had three sons, of whom the oldest died without issue; William, the second son, inherited the estate; and the name of the third was John. From these two brothers descended

two distinct lines of issue. From William Lovelace the descent is clearly traceable to Governor Francis Lovelace. His grandfather and father were both knighted. His father was Sir William Lovelace of Woolwich, Kent. His elder brother was Richard Lovelace, the poet and dramatist, who died in 1658, before Francis came to New-York. Francis himself, the third son, was also a poet and an artist; there is no record that he was married. Two brothers, Thomas and Dudley, accompanied him to the New World. Richard, perhaps the handsomest Englishman of his time, was among the favorites of Charles the First. His name survives, secure of its immortality, from two of the most faultless lyrics in our language.

LOVELACE ARMS.

Going back now to John Lovelace, the other grandson of the original Richard Lovelace, we find that he himself was the grandfather of that Sir Richard Lovelace who, as mentioned above, was the friend of Sir Francis Drake, and who made a fortune by sharing the latter's marauding expeditions. In the third year of the reign of King Charles I., Sir Richard was elevated to the Barony of Hurley, a seat which had been bought by his grandfather John, and from which purchase dates the removal of this branch of the family from Kent to Berkshire. The ancient manor-house of Hurley, where many generations of Lovelaces were born, was unfortunately destroyed by fire in 1835, but the historic name remains, and it is also perpetuated on American soil near the banks of the Hudson. To that little Ulster County town founded by Francis Lovelace, Washington went in the winter of 1782, and was greeted by an enthusiastic assemblage. An address was delivered by President Ten Eyck which, as the ancient chronicler informs us, was happily answered by his Excellency the commander-in-chief. The first baron had two sons, John and Francis. When the third lord died, in 1697, without male issue to survive him, the barony passed to the grandson of Francis, who thus became the fourth baron, and was the Lord John Lovelace who became governor of New-York. It is thus seen that the family connection between the two governors, while there subsisted one, was too remote to be designated by any term of near relationship. Yet it is quite natural that confusion has arisen, the grandfather of Lord John being named Francis, and being also a younger son. In the genealogies, however, there is no record that this Francis Lovelace had any other brothers;[1]

[1] Berry's "County Genealogies," Kent, pp. 474, 475; Banks's "Dormant and Extinct Baronages," 3: 497–499. Banks states that the first baron had two sons and two daughters. Brodhead refers to Banks ("New-York," 2: 143, note), but not to Berry, calling the second governor the grandson of the first. Only by comparison with Berry could his mistake have been avoided.

while those of Governor Francis Lovelace are distinctly mentioned. Indeed the whole question turns upon these brothers, and therefore special effort has been made to obtain all the facts. In reply to an inquiry, Mr. Sidney Lee of London, editor of the "Dictionary of National Biography," writes as follows: "The poet Richard Lovelace had four brothers, Thomas, Francis, William, and Dudley. In their mother's will, the brothers [after Richard] are mentioned in this order." But, as is well known, in the edition of Richard Lovelace's poems, there is one addressed "To His Dear Brother Colonel F. L., immoderately mourning my brother's untimely death at Carmarthen." As Richard died in 1658, and as this had every appearance of expressing his grief at the death of Francis before him, *this* Francis Lovelace could not have been governor of New-York in 1668–1673. Mr. Lee clears up the difficulty completely, however, by saying that this poem "describes Francis's grief for William's death. I thus regard it as practically certain that this Francis is identical with the governor of New York. . . . The English authorities altogether ignore him in that post."

It need cause no surprise that Queen Anne should have conferred the responsible post of governor of her provinces of New-York and New Jersey upon a scion of the house of Lovelace. By the very traditions of his house Lord John was strongly attached to the Protestant succession. His immediate predecessor in the barony, John, the third Lord Lovelace, is characterized by Macaulay as "distinguished by his taste, by his magnificence, and by the audacious and intemperate vehemence of his whiggism." At one time he contemptuously refused to heed a warrant for his arrest for a political offense, because it was signed by a Roman Catholic justice of the peace. He was summoned before the Privy Council, and examined in the presence of royalty itself; but he succeeded in clearing himself completely. As he was leaving the room King James called out in angry tones: "My Lord, this is not the first trick you have played me." "Sir," was Lovelace's spirited rejoinder, "I never played any trick to your Majesty, or to any other person. Whoever has accused me of playing tricks is a liar." Macaulay, who relates this incident, speaks thus in regard to his connection with the Revolution: "His mansion, built by his ancestors out of the spoils of Spanish galleons from the Indies, rose on the ruins of a house of Our Lady, in that beautiful valley through which the Thames, not yet defiled by the precincts of a great capital, nor rising and falling with the flow and ebb of the sea, rolls under woods of beech round the gentle hills of Berkshire. Beneath the stately saloon, adorned by Italian pencils, was a subterraneous vault, in which the bones of ancient monks had sometimes been found. In this dark chamber some zealous and daring opponents of the government had held many midnight con-

ferences during that anxious time when England was impatiently expecting the Protestant wind."[1] Lovelace was the first nobleman of consequence who proceeded to join William of Orange after his landing. But unfortunately he and his troop of armed retainers were attacked and defeated by superior numbers, and Lovelace was imprisoned. But the success of the prince released him, and later he took an active part in placing the crown of England upon the heads of William and Mary, and securing the succession to Mary's sister Anne. The house of Lovelace must, therefore, have stood high in Anne's regard, and it was eminently deserving of distinguished rewards.

On March 28, 1708, Queen Anne's chief secretary of state, Lord Sunderland, wrote to inform the "Lords Commissioners for Trade and Plantations" that her Majesty had appointed John, Lord Lovelace, Governor of New-York and New Jersey. As was customary, with the commission were usually given also a new set of instructions, and the lords of trade were requested to draw these up. But it was not till the middle of October that Lord Lovelace departed for New-York. It is easy to surmise what detained him thus for more than half a year. England was then in the midst of the "War of the Spanish Succession," and stood at the forefront in the coalition of European states against France and Spain. Her American colonies felt the effect of this conflict. Where they bordered on the Spanish settlements in the south, and the French at the north, hostilities were carried on briskly, and the period is known in our annals as "Queen Anne's War." The Duke of Marlborough was then conducting the armies of his nation and its allies upon a career of almost uninterrupted success; his every battle was a victory, and every siege meant the reduction of the beleaguered place. But the spring of 1708, when Lord Lovelace received his appointment, was an especially critical period in the history of the war. The battle of Ramillies, in 1706, had resulted in completely driving the French from Belgium, and the cities of Brussels, Antwerp, Ghent, and Bruges had declared for the allies, renouncing their allegiance to Spain, and had accepted garri-

ST. BARTHOLOMEW MEDAL.[2]

[1] Macaulay's "History of England" (London, 1849), 2 : 493, 494, 638.

[2] In honor of the St. Bartholomew massacre a medal was struck by order of the pope, Gregory XIII. It has on the obverse side a head of the pope, surrounded by lettering indicating his name and office. The reverse exhibits a destroying angel, with a cross in one hand and a sword in the other, pursuing and slaying a flying and prostrate band of heretics. The legend is: "Vgonottorvm strages, 1572." (Slaughter of the Huguenots.)

sons to prevent their being retaken by their ancient masters. But, early in 1708, the tide suddenly turned: fortune seemed to abandon the arms of England, and the star of France, now in league with Spain, was once again in the ascendant. The Prince of Vendôme penetrated as far as the province of Flanders, and Ghent and Bruges were quickly reduced. With these important strongholds in their possession, that of the whole of Flemish Belgium, reaching from the boundaries of France to those of the Dutch Republic, was assured. This would make the reduction of all Belgium but a question of time.

Now, therefore, if at any time, national pride as well as military duty called every Englishman of the age and rank of the Baron of Hurley around the standard of the great duke. With characteristic promptness a campaign of vigorous offensive operations was at once determined upon and instituted by Marlborough. Joining the troops stationed in Flanders, he concentrated them into one mass preparatory to withdrawing them from this province, intending to make Brussels his base of operations, as well as to prevent its being taken by the enemy. In effecting this manœuver he necessarily had to assume the appearance of a retreat, which served only to excite the French with the hope of certain victory, and sent them in eager and confident pursuit. But at Oudenarde, a village on the southern confines of Flanders, and thirty-three miles directly west of Brussels, Marlborough made a sudden halt, and wheeling around he fell with well-directed and irresistible impetus upon the astonished foe (July 11). It was "a battle fought with muskets, bayonets, and sabers. Neither of the contending parties had much artillery on the ground."[1] The manner of bringing on the action, almost a ruse on the part of the invincible duke, would account for this peculiar circumstance. The superior numbers of the French availed nothing: they were utterly defeated. Again were they driven from the Low Countries, and before the year closed more than one city of France in proximity to the Belgian border had been secured by the allies. "The annals of war," writes Sir Archibald Alison, "can afford no parallel of the skill and resolution of that immortal campaign." Evidently Lord Lovelace, besides sharing in the active operations, and perhaps also in the battle of Oudenarde itself, needed to wait till the full glory of the campaign had been reaped, and the opposing forces had retired to winter quarters, before he could be released and allowed to proceed to his seat of government in North America.

About the middle of October, 1708, Lord John embarked on board her Majesty's ship Kingsale. He was accompanied by his wife, Lady Charlotte, daughter of Sir John Clayton, and his three sons, all lads of tender age, John, Wentworth, and Nevil; little dreaming as

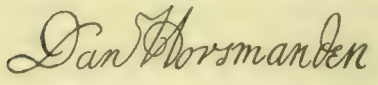
[1] Wilson's "Sketches of Illustrious Soldiers," p. 201.

they set out on this voyage that the ravages of death would permit but two of this interesting household to return to their native country. The Kingsale, well armed and strongly manned, was one of a fleet; for it was a time of war, and only the year before Colonel Robert Hunter, who was destined to succeed Lord Lovelace in New-York, had been captured by a French man-of-war on his way to Virginia, of which province he had been appointed lieutenant-governor; but, by reason of this detention as prisoner in France, he never qualified for office in the southern colony.

The passage proved to be a stormy one, and so rough and unpleasant was the experience to Lord Lovelace that he earnestly contended that at this season of the year not even sailors should be exposed to the terrors of the sea. "No ship ought to be sent hither from England after August at farthest," he wrote. The idea, while doing credit to Lord Lovelace's considerateness, is somewhat amusing in the light of the development of ocean navigation, as witnessed within the past year, when even "records" made in the summer season were broken in the face of November storms of unusual violence. But Lovelace could not foresee the miracles of human achievement of almost two centuries after his date. And he certainly had some reason to complain of the elements. When approaching our "terrible coast," early in December, the squadron encountered a tempest which drove the Kingsale out of her course and separated her so completely from her consorts that no trace of any of them had been found even after the governor's arrival in the city, with the exception of the Unity, which grounded upon a point of land at Sandy Hook, but got off without loss of life.

The Kingsale was forced to seek refuge in Buzzard's Bay. Descending thence, after the storm had abated, she pursued her course through the Long Island Sound. Either the masses of floating ice, or the intricacies and perils of the Hell Gate channel, determined her captain to land at the village of Flushing, on Long Island. It was an unfortunate circumstance for the new governor and his family. Instead of being carried in the comfortable ship directly to the city, they were now compelled to expose themselves, during a land journey of several miles, and the crossing of the East River by ferry, to the inclemency of an unusually severe winter, in a climate to which they were not accustomed, and where this season was ordinarily much colder than in England. The winter of 1708 and 1709 is noted in history as a particularly severe one. In Europe it added to the horrors of war by destroying vineyards in sections where frost was scarcely ever known. In other parts the grain already in the ground for the next year's harvest was frozen, and poverty and famine thus stared the people of the contending nations in the face. In America it set in early, and was

exceedingly rigorous; the rivers and harbors which the Kingsale passed on her way along the Sound were full of ice. That of New-York, too, was made almost impassable by the masses of ice in blocks and large fields rushing up and down on either side of the city with the incoming and outflowing tides. When it is remembered what difficulty is experienced by the powerful ferry-boats of our day in crossing from shore to shore under these circumstances, it may be imagined what it must have been to effect a passage in a small open boat across the East River, from the "ferry at Breukelen" to the city, in 1708. As it was, Governor Lovelace and two of his children caught serious colds from which none of them recovered.



On the morning of December 18, 1708, nine weeks and a few days after his departure from England, Lord Lovelace finally set foot within the capital of his province. Preparations on a liberal scale had been made for his reception. Lord Cornbury himself was present to welcome his successor, and to induct him with what grace he could into the office which, it was plain to him as to every one, he had forfeited by his misconduct and inefficiency. It is not likely that the new governor was subjected to the fatigues of these inaugural ceremonies on the day of his arrival. But in honor of this event Lord Cornbury and the council had made provision for a dinner or banquet, which was served on that day in the governor's mansion in the fort.[1] When, on the next day, or a few days later, the new governor's commission was publicly announced and read from the gate at the fort, or from the City Hall in Wall street, it may well be believed, after their six years of Cornbury, that the people watched with eagerness for any signs that could give them reason for hoping that the change in governors would be an improvement. With this purpose, many a searching glance was doubtless directed toward him as he made his first public appearance. They would then have beheld a man not much more than forty years of age, prepossessing, if not too greatly harassed by the sufferings of his trying journey; for "nature had endowed him with a magistick and amiable countenance," as Rector Vesey informs us in the funeral sermon he was so soon called upon to preach. A man of refinement and education, too, having graduated at the university; and of military bearing, doubtless, fresh from the glorious campaign in Flanders. A man, once more, of a kindly heart and great consider-

[1] It would appear as if even this last act of providing a suitable reception for his successor gave the retiring governor an opportunity of displaying his criminal disregard of financial obligations. At least as late as February, 1712, the honest caterer Henry Swift (perhaps the Delmonico of his day), who, by an order of governor and council, dated November 17, 1708, had been engaged to furnish the "dinner," as he modestly calls it, was still petitioning for his compensation, which he placed at the not very exorbitant figure of £46 7s. 6d., say about $235. ("New-York Colonial MSS.," LVII. f. 80.)

ation for others placed in different and lowlier circumstances from himself; for even on that exciting day of his arrival his heart was oppressed by the uncertainty of the fate of those in the other ships; and in the first official letter, written later on this same day to the lords of trade, bearing in mind the sufferings of the poor seamen, and recommending a rule of navigation which should prevent their exposure to the rigors of a winter passage in the future.[1]

But personal amiability or tender-heartedness, while it might prevent a needlessly harsh or unjust interpretation of his instructions, did not leave the governor at liberty to depart from them in the performance of his functions. Largely by reason of the execrable behavior of Lord Cornbury, the people had come to rise up in arms (figuratively speaking as yet) against the royal prerogative, and with a unanimity as surprising as it was significant, considering the serious divisions that had arisen out of the Leisler troubles; for many of those who had stood out on the side of constituted authority, and whose adherence to conservative policy had caused the sharp line to be drawn between the Leislerians and anti-Leislerians ever since, were forced into a position of antagonism to the royal claims as interpreted by the extravagant demands for money and the arbitrary exercise of his functions on the part of the ruined spendthrift and profligate who had just been superseded. It was a matter of importance to know, therefore, whether there were any modification or moderation in the royal claims in the instructions to the new governor. These, however, were in no sense different from the ones given to Cornbury. The instructions which the lords of trade, in reply to Lord Sunderland's request of March 28, reported on May 31, 1708, they declared to be "to the same purpose as those that have from time to time been given to the Lord Cornbury."[2] These were a few additional instructions prepared for Lord Lovelace in July, intending to correct some abuses which had arisen on account of certain "extravagant grants of land made by Colonel Benjamin Fletcher."[3] A lengthy paper was likewise drawn up by the lords of trade, for the guidance of the governor in the affairs of the province of New Jersey, which it is needless for the purposes of this history to do more than mention here.

The council appointed to share the responsibilities and cares of government with Lord Lovelace was composed of gentlemen some of whom were members of Cornbury's cabinet, and most of whose names have already become familiar to the reader of these pages. Colonel Peter Schuyler, the first mayor of Albany, the friend of the Indians on the Mohawk, and president of the convention at Albany which so long resisted Leisler's authority, was president of Lovelace's council.

[1] "Documents relating to the Colonial History of New-York," 5: 67.
[2] Doc. rel. Col. Hist. N. Y., 5: 42. [3] Ibid., 5: 54.

Next to him was Dr. Gerardus Beeckman, who had been a member of Leisler's council. Rip Van Dam and Thomas Wenham, associated with Colonel Nicholas Bayard in a measure of opposition to Lieutenant-Governor Nanfan, appear next on the list. These, with Chief Justice Mompesson, had been members also of Lord Cornbury's council. Adolph Philipse, the son of Frederick Philipse, prominent under previous administrations; John Barberie, a descendant of the Huguenots, and connected by marriage with the Van Cortlandt family; and William Peartree, a merchant, who had been mayor of the city in the years 1703 to 1706, were new accessions to the number of royal councilors.

THE VAN CORTLANDT MANOR-HOUSE.

The first meeting of the council, after Lord Lovelace's assumption of his office, was held on January 5, 1709.[1] The action that was then taken was one usual at the accession of a new governor. It was ordered that a proclamation be published declaring the present provincial assembly dissolved. At the same time writs for the election of a new assembly were issued, which was to take place on March 10. The assembly then elected met on April 6, their only business that day being the choosing of a speaker. This honor was conferred, or rather confirmed, upon William Nicoll, who had held the office during the six preceding years, and who was consecutively reëlected for ten years thereafter, when failing health compelled him to decline. Having been duly organized for legislative action, the assembly was ushered into the presence of Lord Lovelace and his council on the next day. He administered to them the oaths of allegiance, they subscribed their names to the inevitable "Test Act," and he then addressed them in the following speech:

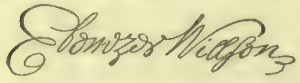
[1] To be perfectly correct this date should be written January 5, 170⅘, because by Englishmen the New Year was considered as beginning at that period on March 25; and on the minutes of the council 1708, appears for dates in January and February, and part of March. But it will be less confusing to the modern mind, after this explanatory note, to use the number of the year according to our present calculations.

Gentlemen: I have called you together as early as you could well meet with conveniency to yourselves to consult of those things which are necessary to be done at this time for her Majesty's services and the good of the province. The large supplies of soldiers and stores of war for your support and defense, together with those necessary presents for your Indian neighbors, which her Majesty has now sent you at a time when the charge of the war is so great at home, are evident proofs of her particular care of you, and I assure myself they will be received with those testimonies of loyalty and gratitude which such royal favors deserve from an obliged and grateful people. I am sorry to find that the public debt of the province is so great as it is, and that the government here hath so little credit, if any at all, left; a government under a queen as famous for her prudent and frugal management at home as for her warlike and glorious actions abroad. I can not in the least doubt, gentlemen, but that you will raise the same revenue for the same term of years, for the support of the government, as was raised by Act of Assembly in the eleventh year of the reign of the late King William of glorious memory; and I hope you will also find out ways and means to discharge the debt that hath been contracted, and allow to the persons concerned a reasonable interest till the principal is discharged. To that end I desire you to examine and state the public accounts, that it may be known what this debt is, and that it may appear hereafter that it was not contracted in my time. I must in particular desire you to provide for the necessary repairs of the fortifications of the province. The barracks are so small and so much out of repair, that I have been necessiated [*sic*] to billet the recruits that came over with me upon this city, which I am sensible hath been a burthen to the inhabitants, but I hope you will soon ease them of that burthen. The fitting out a good sloop to attend her Majesty's men-of-war in their cruisings on this coast, I take to be so necessary for the preserving of your navigation that I expect you will find out a proper method to defray that charge. I am willing my salary should be taxed, that I may pay my quota to so useful a service. I think myself obliged further to recommend to your consideration how to prevent the exportation of gold and silver coin out of the province, least in a short time your trade should suffer for want thereof. The queen hath nothing more at heart than the prosperity of her subjects. I shall approve myself to her Majesty in pursuing those methods that will best conduce to that end. It shall be my constant care to promote peace and union amongst you, to encourage you in your trade, and to protect you in the possession of your just rights and privileges.[1]

Here then was a clear and candid presentment of the condition of affairs in the province, and of the more pressing necessities that confronted the assembly. It was put before them in the best of tempers, and with a transparent honesty. What a contrast between that voluntary proposition of a tax on his salary to carry out the scheme of the armed sloop, and Lord Cornbury's demand for an exorbitant sum from the assemblies of both provinces! Remembering his predecessor's exceedingly loose principles in money matters, it was only natural that Lord Lovelace should wish to have it definitely understood that "the burthen of public debt" was not contracted in his time. The main question at issue, however, turned upon the raising of a revenue for a term of years. That had been done by act of assembly in 1702, for a term of seven years. It was now about to expire. But Cornbury's conduct had taught the colonists a lesson, and they saw the advan-

[1] "Journal of the Legislative Council of New-York," 1: 276, 277.

tage of voting a revenue only from year to year, and of accompanying the grant with specific appropriations to the purposes it should be used for. This issue prepared a battle-ground for years to come, resulting finally in victory and independence for the colonies. "The history of the English continental colonies during the first half of the eighteenth century was largely made up of petty bickerings between the popular assemblies and the royal governors. The principle at stake was important; a fixed salary-grant would have been in the nature of a tax imposed by the crown. The acrimonious contention was greatly disturbing to all material interests, but it served as a most valuable constitutional training-school for the Revolution."[1] The assembly of New-York were not a whit behind their brethren of the other colonies in standing by their colors. Lord Lovelace, however kindly of heart, and described by one of their own officials as "a Gentleman of those Qualifications, Excell[t] temper, and goodness, that, had he lived longer with us, he wou'd have reviv'd the country from its former calamity,"[2] yet was the representative of the crown, and the representatives of the people were now abnormally sensitive to any possible encroachments on their rights, and correspondingly suspicious of the exercise of any governor's functions. They resolved not to accede to his request for the repetition of the grant for a number of years; and for this reason Bancroft exalts this peaceable and pleasant conference, the first and last session of his provincial legislature which the new governor was permitted to attend, into a distinctive and pivotal episode in the great contest which created our Republic of the United States. He does not hesitate to say of it: "The assembly which in April, 1709, met Lord Lovelace, began the contest that was never to cease but with independence."[3]



We turn aside, however, from these more general considerations affecting the being of the commonwealth, to note what of interest may be discovered in the history of the city during Lord Lovelace's very brief administration. At this time the office of mayor was occupied by Ebenezer Wilson, he having received his appointment in 1707, and serving until 1710. He was the son of Samuel Wilson, who had emigrated from England and had settled in New-York shortly after the final cession of the province to the English in 1674. The elder Wilson had succeeded in amassing a considerable fortune, and lived in a comfortable mansion on the south side of Wall street, near what is now Pearl street. He died in the eventful year 1689, leaving a widow and two sons. One of these followed the sea, and became captain of a merchant vessel. The other, Ebenezer Wilson, like his father,

[1] "The Colonies from 1492–1750," by Reuben G. Thwaites (New-York and London, 1891), p. 271.
[2] Doc. rel. Col. Hist. N. Y., 5 : 80. [3] "History of the United States" (ed. 1883), 2 : 43.

attained prominence in business circles and in political life. A census of the city made in 1703 represents his household as composed of himself and wife and four children, with two male and two female white servants, beside a negro man and woman. As he lived in the paternal mansion, he was within but a few steps of the City Hall, on the corner of Wall street and the present Nassau street, where now stands the United States Subtreasury building. The simple fact of its location affords an instructive commentary in itself on the

FRESH-WATER POND, CENTRE STREET.

change of conditions in the city within a period of less than fifty years. In 1656 there had been an Indian massacre, and for years thereafter there was still apprehension of Indian attacks; so that the citizens who lived outside the line of the palisades running along Wall street had need for special watchfulness. Now the chief municipal building stood on ground to the north, and thus outside of that line of necessary defense. The division of the city into six wards, adopted in the days of Governor Dongan, still prevailed, and each of these returned one alderman and one assistant alderman, so that the common council was composed of twelve men besides the chief magistrate. Cornbury's objectionable conduct, which has been noticed

as having caused the fusion of opposing parties in provincial affairs, had doubtless had the same effect upon local politics, for there was no repetition of the troubles which had attended the induction of Mayor Noell into office in 1702.

Mayor Wilson's municipal responsibilities were limited to a very small fraction of territory as compared with that over which extends the sway of a mayor of New-York in our day. The City Hall in Wall street must have been built on somewhat the same principle as the one erected over a century later in the Park or Commons, the rear of which, it is said, was constructed of a less expensive material because it was not supposed that a majority of the residents would ever be called upon to view it from that side. But a few scattered houses were to be found above John or Fulton street; and all the region north and west of Park Row and Vesey street was mostly unoccupied and uncultivated. In the city proper much was done in the time of Mayor Wilson in the way of improvements. The price of lots was about thirty pounds ($150); and farms bordering on the city line, or within it above Wall street, were being diligently laid out and sold for dwelling purposes. In 1703 a point of land jutting out into the Fresh-Water Pond or Creek, and called the Kalck Hoeck, was sold for about one hundred pounds. There seemed to have been no thought in the mind of the purchaser of building houses or of laying out streets. Indeed the depth of the pond there was considered unfathomable, and thus quite incapable of being filled: a theory which the sight of Centre and adjoining streets, and of the solid Egyptian walls of the Tombs, effectually disproves to the citizen of to-day. The tongue of land remained for many a day a

Caleb Heathcote

"... fairy foreland, set
With willow weed and mallow,"

the resort of the angler, or the huntsman in pursuit of ducks, perhaps a favorite place for summer-day parties. Those fond of a walk in the country could have had that pleasure easily gratified, even if their

residence were on Bowling Green or Hanover Square. At the corner of Maiden Lane and Broadway they would have left the houses behind them. Then passing along the line of Boston Road or Park Row, or crossing the uncultivated fields of the Commons, over the site of the Post-office and the municipal and other buildings, they would finally come to the banks of this cool lake. Yet the city itself afforded many an umbrageous thoroughfare, the sides of most of the streets being planted with beech-trees and the fragrant locust. During Mayor Wilson's term a special permission was given the residents on Broadway to plant trees (but not tie-posts for horses) along their house-fronts; while at the same time this street received a pavement extending from Bowling Green to Wall street, doubtless to facilitate attendance at "Old Trinity" in all weathers. A walk along the present Pearl street would have given as uninterrupted a view of the East River as a similar saunter along South street does to-day. Here then, as now, was the chief moorage for large sailing vessels coming from or going on long sea-voyages. But around on the other side of the island, along the North River front, virgin nature was as yet undisturbed. The shores of New Jersey, far beyond the broad stream, were not more verdant and free from the presence of shipping than those of the future location of the scores of piers for "ocean greyhounds," and the palatial steamers that swiftly cleave the waters of the Hudson every summer day. Indeed, West street itself, with all its surprising characteristics (some not very creditable to our city), had yet to be created out of the shelving beach or submerged rocks that permitted the tides to lave the rear of Trinity churchyard.

HEIDELBERG CASTLE.

The mode of paving the streets deserves a word. The pavements in those early days did not extend all the way across the thoroughfare. Along the houses ran a narrow foot-path of large red bricks laid flat; a sidewalk it might be called, but not, as now, raised above the

level of the general roadway. Next to this ran a strip of cobblestone pavement, not above ten feet in width, measured from the line of the houses on either side. This left the center of the street in a "state of nature," of which the rain knew how to take advantage, scooping out for itself gulleys or gutters, by means of which so much of it as was not absorbed by the soil sought the rivers or ponds or pools. And this improvised and "self-made" sewerage, or involuntary surface drainage, was all the sewerage which the city then possessed. Yet in this way also were replenished the half-dozen wells or cisterns placed in the center of prominent thoroughfares, whence were drawn supplies of water in case of fire. Just at this time, too, "new and more stringent regulations were passed in respect to fires, the fire-wardens were directed to keep strict watch of all hearths and chimneys within the city, and to see that the fire-buckets were hung up in their right places throughout the wards; and two hooks and eight ladders were purchased at the public expense for the use of the embryo fire department."[1] Careful and provident as the measures against fire have ordinarily been in our city, yet it is curious to observe that each of the three centuries of its history has known a general conflagration: that of 1627 or 1628, as told by Domine Michaelius; that of 1776, when the British were in occupation; and that of 1835, within the memory of men still living. Then, as always, the commerce of the city was assured, giving large returns, though not even yet without the taint of collusion with piracy. As for manufactures, the history of these had not yet begun for our great city. The citizens, indeed, were yearning to put forth their enterprise and skill and wealth in this direction. But it was systematically repressed and sternly forbidden by the mother-country. Nothing must be done to the "prejudice of our manufactorys at home," was the constant reminder. Yet American industry was irrepressible. The people of the city and province were "already so far advanced," wrote Colonel Caleb Heathcote in 1708, "in their manufactoryes that ¾ of ye linen & wollen they use is made amongst them, espetially the courser sort." The great landowner himself ached to enter upon a very important branch of industry, that of ship-building. "I hoped and believed and am morally sure, as to myself even beyond a doubt, that I could have built and furnished the crown with all the light frigates that would have been wanted for this coast and the West Indies."[2] But Heathcote had to content himself with a deliberate refusal, and bear it with the best grace a loyal Briton could. Yet the lords of trade were perfectly willing to make this country a depot for naval stores. Lord Lovelace, in a letter dated March 9, 1709, and which therefore probably never reached him, was enjoined to encourage the making of pitch

[1] Miss Booth, "History of New-York City," p. 284. [2] Doc. rel. Col. Hist. N. Y., 5 : 63, 64.

and tar, and "to consider a proper Method for preserving the Masts and Timber in the Woods, that are fit for the use of her Majesty's Royal Navy."[1] But beyond this the American colonists must not presume to go. And thus the mother-country checked the best development of her transatlantic citizens; thus she fondly and foolishly prepared the way for their violent separation, while imagining that her course in this matter would prevent that very issue. "By restricting American manufactures, the board of trade, the ministry, the united voice of Great Britain, proposed to guarantee dependence. No sentiment won more universal acceptance. . . . The mercantile restrictive system was the superstition of that age. Capitalists worshipped it; statesmen were overawed by it; philosophers dared not

RUINED TOWER OF HEIDELBERG.[2]

[1] Doc. rel. Col. Hist. N. Y., 5: 72.

[2] The thousands of Americans who have made pilgrimages to Heidelberg to look upon the picturesque ruins of the old castle will hear with regret that at the present writing the Grand Duke of Baden is considering plans for its restoration. Several months ago a commission was appointed to examine the architectural condition of the former residence of the counts palatine, and to decide whether its restoration was possible. The report of the commission, which has just been made public, is favorable to the grand duke's plan, declaring that the castle can be readily transformed into a fitting home for his Royal Highness. The people of Heidelberg, however, object seriously to the proposed restoration, and it is possible that they will be able to prevent it entirely. They well know that the famous castle, with its broken walls and shattered towers, is the chief attraction for strangers in the city on the Neckar, and declare that if it be restored half of their revenue at least will be lost. The Grand Duke of Baden is wealthy, and has already many palatial homes. Paradoxical as it may seem, it would be inexcus-

question it."[1] Unfortunately for England, it led to the Revolution, and that great shock awakened the mother-country to her folly.

The brief administration of Lord Lovelace, which some writers dismiss with a single sentence, and to which even elaborate histories of our city devote not more than a paragraph,[2] was nevertheless distinguished by two notable circumstances. Attention has already been called to one of these: that Bancroft saw in this period the beginning of that great legislative battle which resulted in our national independence. But to this administration is also to be traced the beginning of German emigration to America. Germans had been found in New Amsterdam from its earliest settlement. The first director-general, Peter Minuit, is by many thought to have been one, and it is certain that he was born in Wesel, a city of Germany. Director Stuyvesant had an opportunity to annoy a body of German Lutherans by sending back to Europe the pastor they had presumed to call. Jacob Leisler was a German, but a communicant of the German Reformed Church, and not a Lutheran, for this reason readily affiliating with and even bearing office in the Dutch Reformed Church. But not until the time of Lord Lovelace had there been any large body of German people coming over together. Such a movement has usually been thought to have commenced under his successor. But the thousands of souls that came over with Colonel Hunter formed but a wave in that great tide of emigration which had already set in toward these shores.

As Lord Lovelace was appointed in March, 1708, there was laid before the queen in June a petition from the Rev. Joshua Kocherthal, asking that he himself and fourteen other persons of the Protestant Lutheran religion, from the provinces of the Palatinate and Holstein, might be sent to America at the expense of the English government. In this petition and in other documents that passed in correspondence on the subject, mention is made of forty-one other people of the same nationality and religion who had already been granted the privileges asked for, and who were soon to sail.[3] It having been carefully ascertained that these fourteen additional persons had truthfully presented their case, and that they were equally in need and worthy of aid as objects of her charity, the queen graciously gave them their wish. One strong plea in favor of these Germans at this time was, that they were sufferers at the hands of the common enemy—the French. It is not at all necessary to go back to the Thirty Years' War, which had ended sixty years before, to find the causes for their present exceeding distress.[4] The Palatinate had been swept with fire and sword

able vandalism on the part of his Royal Highness to transform these ruins into a modern home.

[1] Bancroft, "United States," 2: 241, 242.

[2] It is worthy of mention that in Cooper's "Water Witch" there is no allusion to Lord Lovelace at all; but Governor Hunter, called "Mister Hunter" by Cornbury, is scornfully referred to by the latter as immediately succeeding him.

[3] Doc. rel. Col. Hist. N. Y., 5: 44, 53.

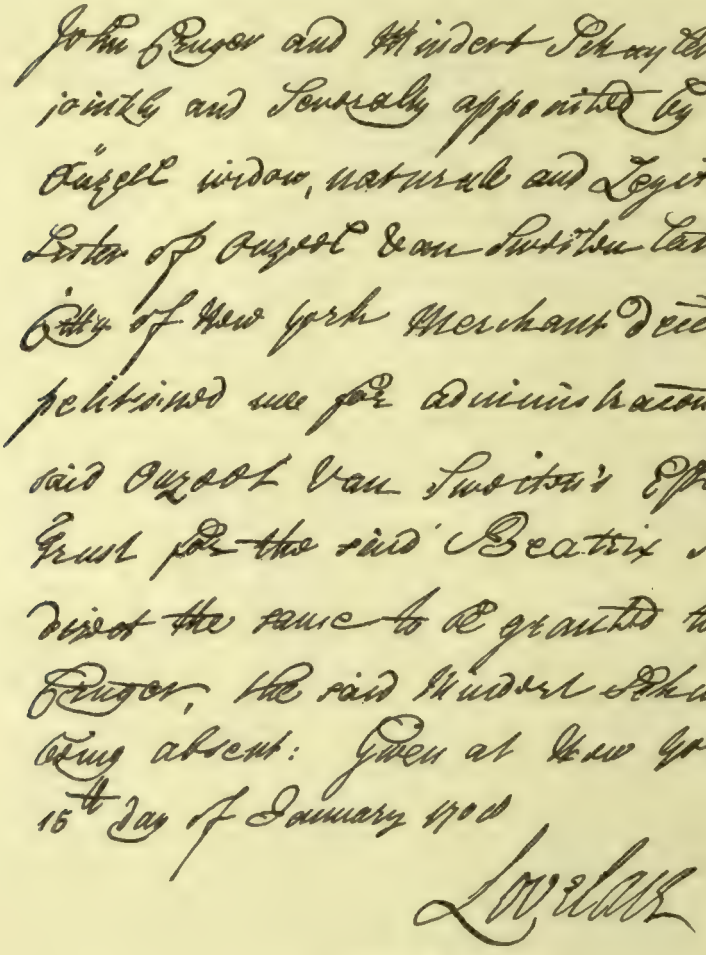
[4] Mrs. Lamb's "History of New-York," 1: 484.

by Louis XIV. in 1688; and again, during the war now in progress, these parts of Germany had been made to feel the brunt of the conflict until the battle of Blenheim, in 1704, had driven the armies of France back across her borders.

These fifty-five German emigrants were distributed among thirteen families, consisting of twenty-nine adults and twenty-six children, the latter ranging between the ages of fifteen years and six months. Besides the minister, the occupations of the others were as follows: eleven farm-laborers, some of whom were also vine-dressers, one a "stocking-maker," and one a blacksmith. There was also one carpenter and joiner in the party, and one is registered as a clerk. As Lord Lovelace was proceeding to America at the same time, he relieved the government of the charge of two of the men, whom he engaged as servants for himself and family.[1] The board of trade also recommended that before their departure from England they be invested with the rights of British citizenship, and that the usual allowance of twenty pounds ($100) for books and clothes to clergymen of the Church of England on going out to the colonies be granted to Mr. Kocherthal. Lord Lovelace was also directed to see to it that the minister received a portion of land for a glebe, not exceeding five hundred acres.[2] These preliminaries having been made, the Germans were embarked upon the Globe, one of the vessels of the squadron which was to convey the governor to New-York; and we learn from his letter to the lords of trade that, in addition to the roughness of the voyage, the emigrants and recruits upon this vessel suffered from a scarcity of water, which the others could not relieve because the tempestuous weather prevented access to her.[3] In the summer of 1709 another large number of Palatines were sent over by the English government, at a cost of between three and four pounds each; they were generously supplied with agricultural implements and building-tools at an expense of forty shillings each, and for their subsistence in America for one year after settlement on "waste lands" along the Hudson, provision was made at the rate of five pounds each. But some of her Majesty's subjects murmured, and "objected that should these people be settled on the Continent of America, they will fall upon Woollen and other Manufactories to the prejudice of the Manufactures of this Kingdom now consumed in these Parts." The lords of trade at once quieted these fears by reminding the objectors that the province of New-York was not under a proprietary but a crown government, and hence "such mischievous practice may be discouraged and checqued much easier" there than elsewhere.[4] Thus, in extreme poverty and feebleness, with much distress and suffering, began that mighty flow of

[1] Doc. rel. Col. Hist. N. Y., 5: 52, 53. [2] Ibid., 5: 54, 63. [3] Ibid., 5: 67.
[4] I bid., 5: 87, 88.

German emigration which has attained such enormous proportions in our own century, and which, while supplying our entire republic with millions of valuable citizens who have called forth untold treasures from our natural resources, as well as in the way of manu-



LOVELACE DOCUMENT.

facturing industries, has at the same time made New-York third or fourth in rank among cities populated by Germans.

Not five months had elapsed since Lord Lovelace had landed in the city, the assembly of the province was still in session, and was about to pass upon its first act, when the whole community was startled by the news that the governor's illness, which had never left him during all his stay, had suddenly taken an alarming turn. One of his children, Wentworth, the second son, had already succumbed to the same complaint in April; another, John, the oldest, was seriously affected by

it; and doubtless grief at his child's death aggravated the father's malady. The skill of the physicians of that date could hardly be expected to cope successfully with pneumonia, which so ruthlessly and swiftly carries off its victims even to-day. Ere long, therefore, on May 6, 1709, the dreaded announcement came that Lord Lovelace had died, in the flower of his age and upon the threshold of a new and honorable career. A genuine sorrow filled every citizen, increased, it may well be supposed, by sympathy with the bereaved lady, watching by the side of the hopeless sick-bed of her eldest born, who followed his father to the grave within two weeks.[1] To give outward expression to this general and proper sentiment, insignia of mourning were everywhere apparent, and the council directed the mayor to "prohibit the acting of any play or plays, and the fighting of any prize or prizes, till further orders."[2] A few days later (May 12) the obsequies took place, on which occasion the Rev. William Vesey preached a sermon from the text in Psalm xxxvii. 37, "Mark the perfect man, and behold the upright, for the end of that man is peace." At the close he spoke these appropriate and appreciative sentences: "I was once almost resolved against Funeral Panegyricks, as being full of Difficulty, full of Censure, but on this extraordinary Occasion Duty obliged me to assist with fragrant spices in embalming the blessed Memory, to strew Flowers on the Hearse, and to shed some Tears at the Funeral Obsequies of so great, so good a Man. The supream Governour of the World seemed to have Mark't out this deceased Peer of Great Britain, even in his early days, to have made an Illustrious Figure, and to have been an Instrument of much good to Mankind: for Nature had endow'd him with a Magistick and amiable

[1] It was not long after this that the line of the Barons of Hurley became extinct. The third son, Nevil, succeeded as baron in 1709, but died in 1736 without issue. At the time that the older branch failed in male descendants, and Governor Lord Lovelace succeeded to the title as fourth baron, Martha, a daughter of the third baron, became Baroness Wentworth in her mother's right. She married Sir William Noel, from whom descended Anna Isabella Noel, daughter of Sir Ralph Milbank, Lord Byron's wife. Lady Byron afterward succeeded to the title of Baroness Wentworth. Byron's daughter Ada, celebrated in "Childe Harold," was married in 1835 to Viscount Ockham. In 1838 this nobleman, who is still living, was created Earl of Lovelace, the name being revived in consideration of the fact that his wife was the representative of the family, whose name had become extinct through failure of male issue —a family whose founder appears among the six hundred and twenty-nine names of William the Conqueror's chiefs borne on the Battle Abbey Roll of 1066, who shared the lands and distinctions of the followers of the defeated Harold. What has happened to the Lovelaces has occurred to many even more illustrious English families. Alnwick Castle has been charmingly described by an American poet, who was there in the summer of 1822, as

"Home of the Percy's high-born race";

but the last of the line died more than two hundred years ago, and for a century the proud dukes of Northumberland have been descendants of a female branch, bearing, not the knightly name of Percy, but the prosaic one of Smithson; and it is to a member of that family that our nation is indebted for the noble endowment known as the Smithsonian Institution of Washington, D. C. See Banks's "Dormant and Extinct Baronages," 3: 498, 499; also Burke's "Peerage." In Motley's "Correspondence" (New-York, 1889), 2: 301, there is this reference, under date July 26, 1858: "I went over to Lord Lovelace's . . . I like Lady Annabella King, the daughter of Ada Byron, very much. She has much talent, very agreeable manners, and a good deal of fun, plays and paints admirably, and has evidently a very sweet disposition." Page 333: "Lily [now Lady William Vernon Harcourt] goes up to town every Tuesday, generally passing the day with her friend, Lady Annabella King, at her grandmother's, old Lady Byron."

[2] "Council Minutes," 10: 303 (May 6, 1709).

Countenance, an obliging and grateful Disposition, a generous Spirit and yet a humble Mind, quick Apprehensions and a sound Judgment. Our Dread Sovereign, Queen Anne, after he had done considerable service for his country both at Home and abroad, was pleased to commit to his government the Provinces of New York and New Jersey, whose Inhabitants, however divided among themselves, universally conspired to love and reverence his Person and to express their Satisfaction under his just and benigne Conduct."[1]

Immediately upon Lord Lovelace's death the functions of head of the state devolved temporarily upon Colonel Peter Schuyler, as president of the council. Richard Ingoldesby had been appointed lieutenant-governor under Lord Cornbury in the year 1702, at the time that the province of New Jersey was added to the jurisdiction of the governor of New-York. It was intended by this arrangement that while one officer was present in one province, the other might preside over the affairs of the other. An experience of four years led the lords of trade to recommend to the queen that she revoke Ingoldesby's commission, with which she complied at once. The order in some way failed to be properly prepared, or it failed to reach him, and thus he retained the position, so to speak, by default, continuing even under Cornbury's successor. Therefore, being the lieutenant-governor *de facto*, if not *de jure*, or by intention of the queen, on Lord Lovelace's death he was summoned in haste from New Jersey, and took charge of the government on May 9. It was not a new experience for him. At the equally unexpected and sudden demise of Governor Sloughter in 1691, he had been intrusted with the duties of chief magistrate, on the ground of being the next in military command. He had remained in the colony under Fletcher and Bellomont, but served only in a military capacity until 1702. No sooner did the news of Governor Lovelace's death, and the consequent elevation of Ingoldesby, reach the lords of trade, than they forthwith renewed their application for his removal. On September 17 of this same year Queen Anne signed the second revocation, and care was taken that it was properly transmitted. On receiving the document which constituted his official decapitation, Ingoldesby resigned the government into the hands of the worthy Dr. Gerardus Beeckman, who, in the absence of Peter Schuyler, was senior member and president of the council.[2]

1 "New-York Historical Society Collections for 1880," pp. 321, 336, 337.

2 Doc. rel. Col. Hist. N. Y., 5: 89, 90, 91. An extract from the "Council Minutes" (10: 473) is both interesting and instructive on this point of the summary dismissal of Ingoldesby: "April 10, 1710 (Gerardus Beekman, President) Coll. Beekman Communicated to the Councill a Lett^{r} which he rec'd yesterday und^{r} her Majesties Signett & Signe Manuall given att Windsor the 29th of October Last directed to y^{e} President of the Councill in y^{e} Province of New York, Signifying that her Majestie has been informed that Severall undue grants of Land in the Province have been passed since the Death of my Lord Lovelace for the Preventing the like abuse for the future her Majestie does thereby Signify that She has thought fitt with the advice of her Privy Councill to ord^{r} that noe Grants of Land be made in this Province till the Arrivall of Robert Hunter Esq. Governour

This occurred in April, 1710; and three months later Robert Hunter, the next governor, arrived.

Ingoldesby signalized the beginning of his administration by exercising his authority in an exceedingly unworthy manner, by behavior not only ungentlemanly, but inexcusably unfeeling. This was the harsh treatment of Lady Lovelace, the bereaved wife and mother. It was of such a nature, indeed, that she found it expedient to betake herself to the ship which was to carry her back in her forlorn condition to Europe as if she were a fugitive from justice. Her own words best describe the disgraceful episode. In a letter to the lords of trade she writes: "Soon after the dismal death of my Dear Husband, and Eldest Son, in the midst of my afflictions (which were and are the most sorrowfull that ever befell a poor Woman) Col. Ingoldesby came to me, and Demanded the Papers I had in my hands; I told him they were sent for by Lord Sunderland, Secr^{y} of State, and show'd him his Lord^{ps} lett^{r}, he told me he did not value Lord Sunderland's lett^{r}, 'twas nothing to him, and in very ruff and threatning terms told me that I shou'd not stir from New-York 'till I had given him the said papers; Both my self and friends told him I shou'd complain of his severe usage when I came to England, he answer'd he valued it not, and that England was at a great Distance, and he well knew when another Gov^{r} came over he shou'd be removed: but notwithstanding his Hectoring me, I did at midnight get the trunk of Papers and myself on Ship board, and so prevented my confinement. . . . Also Captain Symons belonging to one of the Companies in a very bullying manner wou'd not let me Remove several things that we put into the Fort and paid for."[1] Fortu-

Sam Vetch

appointed for the same and her Majestie haveing thereby likewise thought fitt to revoke annull and determine the Commission formerly granted to Rich^{d} Ingoldsby Esq. constituting & appointing him L^{t} Gov^{r} of y^{e} said Province the administration whereof will devolve upon the President of the Councill does therefore declare unto him her Pleasure concerning the Premisses prohibitting the Passing any Grants of Lands in the said Province. And Coll. Schuyler being att Present absent from this Province Coll^{o} Beekman who is the next Councillor named to him in her Ma^{ties} Instructions does think fitt to order by the advice of this Board that y^{e} s^{d} Letter be Immediately Published att the Citty Hall in the usual manner."

[1] Doc. rel. Col. Hist. N. Y., 5: 89, 90. The letter is dated September 3, 1709. By the same ship came Ingoldesby's letters announcing the death of Lord Lovelace and his own assumption of the government. On September 5, the order revoking his commission as lieutenant-governor was passed by the royal council, the queen being present.

nately the rule of this man was brief, but it was not brief enough to prevent his disgracing himself by conduct such as this, as well as by that reckless granting of valuable lands to himself and friends which had been the bane of former administrations. But one enterprise, the first of its kind in the eighteenth century, which had been set on foot before his incumbency, ripened into action just as he entered upon his functions, and lends some luster to his otherwise undignified rule.

A few months before the death of Lord Lovelace, on March 1, 1709, the queen addressed to him a letter, officially informing him that "at great expense" the authorities in England were fitting out an expedition to Canada, to be placed under the direction of Colonel Samuel Vetch. In this paper the governor was directed to allow himself to be guided in all matters pertaining to this enterprise according to the instructions and plans of which the colonel was the bearer. For fear that the latter might not reach New-York in safety, or might not reach it soon enough, a letter reiterating these instructions substantially was sent by post on another vessel. In this document, bearing date April 28, Lord Sunderland carefully detailed the plan of campaign which had been decided on by the ministry in England; and also the mode of preparing for it in America is indicated. Lord Lovelace died before either Colonel Vetch or the secretary's letter reached him, but the expedition had been so thoroughly determined on, and such earnest provision was made for it, that this important business was not in the least interrupted by that sad circumstance.

It may readily be appreciated that the people of the colonies must have been ripe for such an enterprise, and would heartily join in the efforts of the home government. "Queen Anne's War," corresponding with that of the Spanish Succession in Europe, had precipitated hostilities on the southern borders in its very beginning, in 1702. The English there had taken the initiative against the Spanish settlements. Governor Moore of South Carolina attacked the Spanish town of St. Augustine in Florida. The town itself was easily taken, but the castle held out until reinforcements compelled Moore to raise the siege and even to abandon his stores in the retreat. A second expedition was organized, and assailed the Indian allies of the French and Spaniards dwelling about Appalachee Bay. As a result of this exploit, several tribes submitted to the jurisdiction of Carolina. In the year 1706 a French fleet sailed from Havana, intending to reduce Charleston; but the people beat off the enemy, who had effected a landing, with a loss of three hundred men, killed or prisoners. At the north there hung the ever-threatening cloud of French and Indian invasion, with its accompanying atrocities. The Deerfield massacre had thrilled New England with horror in 1704. It was succeeded by the assault upon Haverhill, on the Merrimac, on August 29, 1708, and fresh horrors might be ex-

pected at any moment. It is to be regretted that so gallant and noble a people as the French must ever stand charged at the bar of history with having deliberately incited, or encouraged, or at least countenanced such barbarities. In a burst of righteous anger Colonel Peter Schuyler—Quider, the friend of the Indians—sent a message of rebuke and remonstrance to Marquis de Vaudreuil, Governor of Canada: "My heart swells with indignation when I think that a war between Christian princes, bound to the exactest laws of honor and generosity, is degenerating into a savage and boundless butchery."[1] What wonder that the people rose almost *en masse* to resist this unnatural and wicked combination of civilization and savagery, and to uproot the power of the French in Canada. Bancroft tells us that during one year in the course of the war actually one fifth of the entire population able to carry arms were enlisted as soldiers, and that there was universally "fostered a willingness to exterminate the natives."

THE SCHUYLER VASE.[2]

Colonel Vetch came over with instructions, similar to those which have been noticed as addressed to Lord Lovelace, for the governors of Pennsylvania, Connecticut, and Rhode Island. While large supplies were cordially voted and the requisite number of levies made in the more northern colonies, considerable opposition was encountered in the Pennsylvania and New Jersey legislatures, by reason of the prevalence of the Quaker element there. The New-York assembly pledged itself to raise the sum of ten thousand pounds,[3] and early in the summer of 1709 its quota of soldiers was already on the way. The plan of campaign as laid before Lord Lovelace was to be as follows: "It is resolved to attack at the same time both Quebeck and Montreal, the first by sea and the second over the lake from Albany, with a body of 1500 men who are to be raised and armed, as you will see in the enclosed instructions. Her Majesty is now fitting out her Commander-in-Chief of the said expedition with a squadron of ships and five Regiments of the regular troops, who are to be at Boston by the mid-

[1] Bancroft, "United States" (ed. 1883), 2 : 198.

[2] The following is the inscription on the vase: "Presented by Anne Queen of England to Col. Peter Schuyler, of Albany, in the Province of New-York, April 19, 1710. To commemorate his visit to England by request of the Provincial Government, accompanied by five sachems of the Mohawks."

[3] Doc. rel. Col. Hist. N. Y., 5 : 81.

dle of May, and there to be joined with 1200 of the best men of New England and Road Island. They are then to sail with all expedition to attack Quebeck, being provided with Engineers, bomb vessells, and all sorts of artillery for such an enterprise. At the same time the 1500 men from Albany, under the command of one whom you shall appoint, are to make the best of their way to Montreal, which place they are to attack, and if possible to reduce to Her Majᵗʸˢ obedience."[1] The chief command over the land forces of the united colonies was intrusted to Colonel Francis Nicholson, who was lieutenant-governor of New-York under Sir Edmund Andros, and had since been governor of Virginia. Colonel Vetch, to whose experience and zeal the expedition owed its inception and most of its present active preparation, was placed next to him in authority. He was of Scotch birth, and had first come to America in connection with that strange scheme of colonization of the Isthmus of Darien projected by William Paterson, the founder of the Bank of England. When the Darien bubble burst, Vetch, a young man of not quite thirty years, settled at Albany, attaining success as a trader, and married the daughter of Robert Livingston in 1700. In 1705 Colonel (then Captain) Vetch was appointed by the governor of Massachusetts a commissioner to Quebec, to negotiate an exchange of prisoners, and also, if possible, a treaty of peace or truce. Vetch remained in Canada several months, and he kept his eyes wide open as to the chances of a capture of its chief cities. He "devoted himself to the study of the topography and resources of the country. There were even those who said that, by intelligent and none too open observation, he learned more of Canadian weakness than was right for an Englishman in time of war to know."[2] He was thus well fitted to recommend the Canadian expedition to Queen Anne and her ministry, and to suggest besides the details of the campaign. Having promoted the enterprise also on this side of the Atlantic as vigorously as he had done, he was certainly entitled to be the second in command. It was well understood that in case of a successful issue, he was to receive the appointment of governor of Canada.

The rendezvous for the land forces, as directed by the instructions, was Albany. Here the men from the different provinces collected during the month of June, and meanwhile the commander and his staff were utilizing the time by gathering all available information from Indians. Indian scouts had previously been sent far into the enemy's country, some even reaching the villages of the natives along the St. Lawrence. These now began to come in, and much valuable intelligence was gained from them.[3] On June 28 all was ready for the march upon Montreal. Colonel Nicholson, accompanied by the

[1] Doc. rel. Col. Hist. N. Y., 5: 73. [2] Article in "International Review," November, 1881, on "An Acadian Governor," p. 467. [3] Doc. rel. Col. Hist. N. Y., 5: 85.

Indian contingent from the ever-loyal Five Nations, under their trusted friend Colonel Schuyler, led his little army as far as Stillwater, destined to be a field of glory in a cause more important than even the present. Here was hastily constructed a redoubt, which, in honor of the lieutenant-governor of the province, Nicholson named Fort Ingoldesby.[1] Then crossing the Hudson at a favorable point, many of which the quiet flow of its shallow waters here afforded, the colonial forces traversed the tangled wilderness and primeval forest, and halted and encamped on Wood Creek, at the southern extremity of Lake Champlain. Here news was awaited in regard to the movements of the coöperating fleet. Colonel Vetch had gone to Boston at the same time that Nicholson led forth his forces from Albany upon the northern march. The fleet from England, as promised in the instructions, was to have arrived the middle of May. It was essential that the two attacking forces should have a knowledge of each other's situation and progress, and Vetch went to arrange some means of communication between them. But when he reached Boston, early in July, the fleet had not yet arrived. After many weary weeks of waiting, instead of a fleet, a solitary vessel entered the harbor—a despatch-boat bringing the disheartening news that no English fleet was coming at all. The conduct of the war on the Spanish peninsula having gone against the Portuguese, the allies of England, the destination of the promised squadron with its five regiments of regulars had been changed from Boston to Lisbon.[2] In September, 1709, this news reached the colonial camp on Wood Creek, in the wilderness of northern New-York. Of necessity the expedition against Canada was at an end. The aimless waiting had already depleted the ranks of the little army, and some intentional or unintentional defilement of the waters of the creek near its source had caused a frightful rate of mortality. By October 5 the forces had dwindled down to a mere handful, and these now abandoned the camp and returned to their homes.

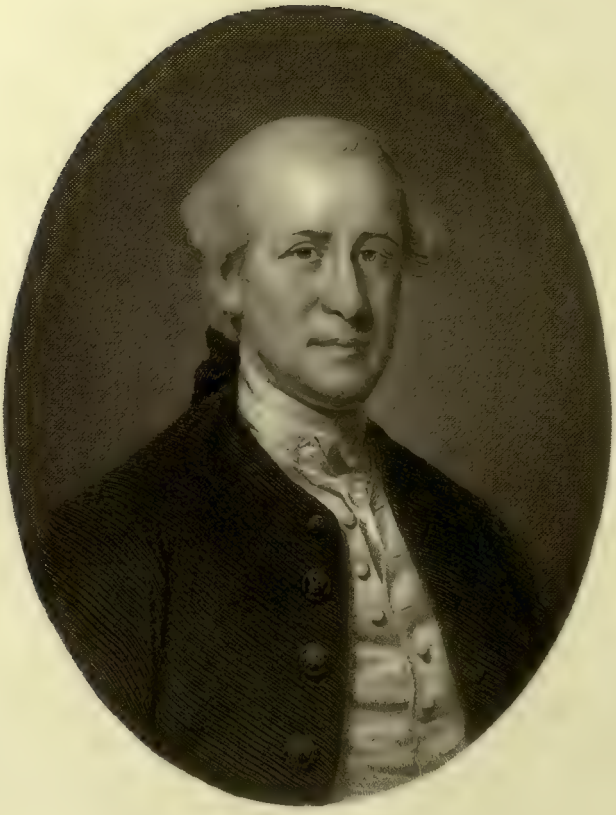
With nothing accomplished, and after expenses incurred that far exceeded their means, the people of the northern colonies were confronted with the burden of an oppressive debt, in addition to the still threatening perils of French and Indian atrocities. In spite of this almost ridiculous failure, however, Colonel Schuyler was determined to force the Canadian, or the French and Indian, question upon the attention of the English court. "I hold it my duty toward God and my neighbor," he had said, "to prevent, if possible, these barbarous and heathen cruelties." At the end of this same year (1709) he took with him to England, at his own expense, five chiefs of the Five Nations. "In London, amid the gaze of crowds, dressed in English

1 "Letters of Hessian Officers during the Revolution," translated by William L. Stone. p. 134. note.
2 "An Acadian Governor," as cited, p. 495, note.

small-clothes of black, with scarlet ingrain cloth mantles edged with gold for their blankets, they were conducted in coaches to an audience with Queen Anne, to whom they gave belts of wampum, and avowed their readiness to take up the hatchet for the reduction of Canada."[1] To this effective expedient on the part of the indefatigable Schuyler we may doubtless trace the better-sustained attempts against Canada of subsequent years, finally resulting in its complete reduction under the empire of Great Britain.[2]

1 Bancroft, "History United States" (ed. 1883), 1 : 199.

2 In recognition of his noble services in this connection, and to commemorate this remarkable visit, Queen Anne presented Colonel Schuyler with a handsome vase, which is still a cherished heirloom in the family, and of which an illustration is to be found on page 117. Since Colonel Nicholson went over in the same ship with Schuyler and his Indians, and also naturally had much to do with presenting them to the queen, some English historians of that date, with characteristic carelessness in such matters, suppress all mention of the Dutch-American and colonial officer, ascribing the merit of the undertaking to Francis Nicholson alone.



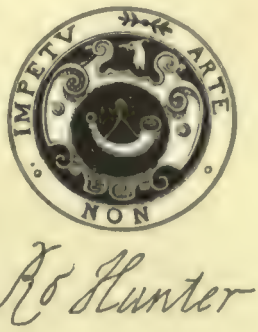
Wm. Walton

CHAPTER IV

ROBERT HUNTER AND THE SETTLEMENT OF THE PALATINES

1710 – 1719

ON the 14th of June, 1710, attended by a fleet and army, General Robert Hunter arrived at New-York, and was inaugurated with the usual ceremonies. He was among the most able, and certainly the most scholarly, of all the colonial governors of New-York, and of ancient and honorable ancestry, being a descendant of the Hunters of Hunterston, Ayrshire, Scotland. The families of that name in Scotland are of Norman extraction. The office held by the original bearers of it is supposed to have been of the nature of "forester." One Aylmer de la Hunter is said to have been the progenitor "of the Hunters of Arneil, designed of Hunterston and of that ilk." An authority on Scottish heraldry remarks, in regard to the antiquity of the name, that "Gulielmus Venator (which I take for Hunter) is a witness in the charter of erection of the bishopric of Glasgow by David I. when he was prince of Cumberland. In a charter of King Alexander II., of the lands of Manners to William Baddeley, . . . the lands of Norman Hunter are exempted."[1] There soon begin to appear two distinct branches, the Hunters of Polmood in Peeblesshire, and the Hunters of Hunterston in Ayrshire. The former line is now extinct. Of the Hunterston line it is asserted that "they appear to have had at least a part of the estate they possess in Cunningham while the Morvilles were lords of that country, as far back as the reign of Alexander II." — that is, between the years 1214 and 1249. The tenth in succession in the ownership of Hunterston was Mungo or Quintegern Hunter, who was the ninth in direct descent from Norman le Hunter. His grandson, Patrick Hunter, was a member of the committee of war for Ayrshire, in the troublous times under Charles I. in 1647. His eldest son, Robert Hunter, had four sons, the youngest of whom became the father of Robert Hunter, the gover-



[1] Nisbet's "System of Heraldry," 1: 332.

nor of New-York. The Orby-Hunters, of Croyland Abbey, Lincolnshire, England, are the descendants of the governor through his wife.[1]

Robert Hunter, being a son of a fourth son of the head of the family, was not likely to derive much benefit from the estates of Hunterston. He began life, therefore, in a humble way, being apprenticed to an apothecary. Tiring of trade, however, he entered the army, where he served under William III. and the Duke of Marlborough in Belgium, and rose to be major-general. He married the accomplished Lady Elizabeth Hay, daughter and heiress of Sir Thomas Orby, Bart., of Burton, Pedwardine, Lincolnshire, and widow of Lord John Hay, second son of the Marquis of Tweedale.

Jonath: Swift

Hunter was not only a soldier and a courtier, but a scholar and wit as well. His literary attainments had won him the friendship of Addison, Steele, Swift, and other wits and litterateurs of his day.[2] He was a good Latin and French scholar, and wrote both languages fluently; most of his letters while in New-York, and some of his drafts of council minutes, now among the State papers at Albany, having been written in French. In 1707, his friend Addison being under secretary of state, Hunter was appointed governor of Virginia, but on the voyage thither was captured by a French privateer and carried into France, where he remained a captive until 1709, when he was exchanged for the Bishop of Quebec. While in prison he corresponded with Dean Swift, and from passages in the latter's letters it appears that he had asked Hunter's influence in securing him a bishopric in Virginia. On his reaching England, Queen Anne offered Hunter the governorship of Jamaica, but Lord Lovelace of New-York dying at this juncture, that government became vacant, and he chose it instead.

Governor Hunter soon found that his post was no sinecure. In his second letter to the lords of trade (July 24, 1710) he wrote that he had a difficult task in those parts, that of reconciling men to one another

1 "The Scottish Nation," by William Anderson (Edinburgh, 1870), 2 : 510, 511.

2 He was the author of the famous letter on "Enthusiasm," which was attributed by many to Swift, and by others to Shaftesbury, and was also the reputed author of a farce called "Androboros." Hunter was one of the ablest of the series of royal governors of New-York. "Cyclopædia of American Biography," vol. 3, New-York, 1892.

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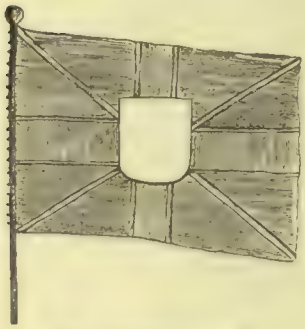
and to their true interests. "All that I can say as yet," he added, "is that they are in no worse disposition than that I found them in." Churchmen and dissenters at odds gave him no end of trouble during the early period of his rule; he also found his general assemblies refractory, jealous of the authority of the mother-country, and indisposed to vote the revenues required for paying the governor's salary and meeting the ordinary expenses of government. "I thought, in coming to this country," he wrote Dean Swift,[1] March 11, 171$\frac{2}{3}$, and quoting Sancho Panza, "'I should have hot meals, and cool drinks, and recreate my body in Holland sheets upon beds of down; whereas I am doing penance as if I was a hermit, and as I cannot do that with a will, believe in the long run the devil will fly away with me.' This worthy was indeed but a type of me, of which I could fully convince you by an exact parallel between our administrations and circumstances which I shall reserve to another opportunity. The truth of the matter is, I am used like a dog, after having done all that is in the power of man to deserve better treatment, so that I am now quite jaded." And March 14 following, he writes: "Here is the finest air to live upon in the universe; and if our trees and birds could speak, and our Assemblymen be silent, the finest conversation too. *Fert omnia tellas*, but not for me. According to the custom of our country the Sachems are of the poorest of the people. In a word, and to be serious at last, I have spent three years of life in such torment and vexation that nothing in life can ever make amends for it."

This was strong language, but the reader who will follow the story of the governor's administration must admit that it was no stronger than the vexations and difficulties of his position justified. One of his first acts was to communicate his instructions to his council and have his commission read to the people. It was the period of the "War of the Spanish Succession" in Europe, and both papers assumed a warlike tone. His commission conferred some extraordinary powers. He could levy the militia of his territories (New-York, New Jersey, and Connecticut) and march them from one place to another, or embark them by sea, "for the resisting and withstanding of all enemies, Pirates and rebels both by sea and land, and transport such forces to any of our Plantations in America if necessity shall require for the defense of the same." On the capture of such enemies he could put to death or preserve alive at his discretion. He had also power to build as many "Forts and Platforms, Castles, Cities, Burroughs, Towns and Fortifications as he and his Council should judge necessary." He could also commission captains and officers of ships, and empower them to execute the "law martial" on the high seas in time of war. He could grant the public land (with the consent of his council), and appoint

[1] "Works of Jonathan Swift," 16: 47.

fairs, marts, and markets. The concluding clauses constituted him commander-in-chief of the militia and other forces of Connecticut. In his "instructions" were named the members of his council, as follows: "Peter Schuyler, Dr. Samuel Staats, Robert Walters, Dr. Gerardus Beekman, Rip Van Dam, Caleb Heathcote, Killian Van Rensselaer, Roger Momperson, John Barbarie, Adolphus Philipse, Abraham de Peyster and David Provost." These instructions were in general of the usual tenor, but comprised some of novel and curious interest. For instance, all "merchants, planters and others" were to be very cautious, in their letters to foreign correspondents, not to give any information of the public condition of the province; he was also to instruct all masters of ships to put such letters "in a bagg with a sufficient weight to sink the same immediately in case of imminent danger from the enemy." Another order bringing vividly to mind these warlike times was one forbidding merchant ships and privateers to fly the colors of men-of-war. Colonial vessels, it seems, trading to the various plantations, and committing "divers irregularities" there, while flying the Union Jack, had very much dishonored the flag, "for the prevention whereof" he was to oblige all commanders to whom he granted commissions "to wear no other Jack than according to the Sample here described—that is to say, such as is worn by our ships of war with the distinction of a White Escutcheon in the middle thereof, and that the said mark of distinction may extend itself one-half of the depth of the Jack, and one-third of the fly thereof."



THE COLONIAL JACK.

In King William's reign a levy had been made on the various provinces for means to erect fortifications on New-York's exposed northern frontier. The apportionment is interesting as showing the relative wealth of the colonies at that time. Virginia stood first, her assessment being nine hundred pounds; Maryland was next, being rated at six hundred and fifty pounds; Connecticut was third in rank, her assessment being four hundred and fifty pounds; Pennsylvania fourth, with a war tax of three hundred and fifty pounds; and Rhode Island and Providence plantations last, with a tax of one hundred and fifty pounds. Massachusetts was not taxed. Hunter was further authorized, in case of an invasion of his frontiers, to call out the militia of the various colonies, the several quotas being: Massachusetts, three hundred and fifty men; New Hampshire, forty; Rhode Island, forty-eight; Connecticut, one hundred and twenty; East and West New Jersey, each sixty; Pennsylvania, eighty; Maryland, one hundred and sixty; Virginia,

two hundred and forty. Another clause instructed him to inquire as to the feasibility of making pitch and tar from the vast number of pine-trees said to abound in his province, and to procure from the forests masts, beams, pines, plank, etc., "for our Navy Royal." The instrument also referred to the divided and contentious state of the colony, and advised him to espouse the cause of no faction, but rather to introduce peace and harmony. His salary was raised from six hundred pounds, the former stipend, to twelve hundred, which, as it was to be met from colonial revenues, may have created a prejudice against him. The popular assembly soon met, and in his opening speech the governor admonished the members "to do away with unchristian division. Let every man begin at home," he continued, "and weed the rancor out of his own mind: leave disputes of property to the laws, and injuries to the Avenger of them, and like good subjects and good Christians join hearts and hands for the common good." Two or three assemblies met and were prorogued, however, before this good advice could be said to have been heeded.

Rip van Dam

Governor Hunter had brought with him three thousand Palatines, fugitives from religious persecution, and the poor people demanded his earliest as well as his latest care. Their immigration forms one of the most striking and romantic episodes in New-York's colonial history. It occupies more space in the documentary history of the colony than any other subject, and gave two royal governors more anxiety and embarrassment than any other element in their government. As their story has never heretofore been fully told, we may be permitted to devote some space to it. Their original home was in what is known in history as the Lower Palatinate of the Rhine, composed of two small states which had been united previous to 1620 under the rule of an hereditary prince styled the Count Palatine of the Rhine, one of the seven electors of the empire. Before the Reformation the people, occupied with their gardens, vineyards, and flocks, had been happy and contented; but the Palatine espoused the cause of Luther, and in the fierce religious wars that followed his little strip of land was often the battle-ground of armies. Yet, though ravaged many times, the people quickly recovered, and still clung to their land and faith. At length Louis XIV. of France, in his blind rage against his Huguenot

subjects, sent his armies into the Palatinate and, on the pretext that it harbored heretics, ravaged it utterly. Perhaps no land was ever more thoroughly desolated. Cities and towns, gardens, vineyards, and grain-fields, were burned. In that time of terror, it is said, from the elector's castle at Heidelberg two cities and twenty-five towns were counted in flames at the same moment. The people, after enduring the lust and cruelty of the invaders, were thrust forth, and became exiles and wanderers through Europe. At the opening of the eighteenth century some of the more resolute began making their way to England. Good Queen Anne had succeeded to the English throne. They had heard that she was kindly disposed toward those persecuted for conscience' sake; besides, she was connected with their prince by ties of blood, being indeed a cousin in the first degree.

In the spring of 1708 a little band of them landed at Whitehall and marched quietly through the London streets, in their shovel-hats, quaint garments, and wooden shoes, objects of much curiosity to the citizens. At their head strode a tall, grave man of mature years, the Joshua of this later exodus, their pastor, Joshua Kocherthal, "Evangelical minister," as he is termed in the documents of the Foreign Office. The clergyman had an object in view: he preferred a petition to Queen Anne praying that as a company of forty-one souls—men, women, and children—were soon to be sent to her Majesty's colonies in America, the favor might be extended also to those of his countrymen whom he represented. The queen received the petition graciously, and in pity for the exiles was disposed to grant it. Her ministers favored the project from reasons of state. It would be an excellent plan, they argued, to plant these Palatines, hereditary enemies of the French, on the northern frontier of New-York, and thus interpose them as a barrier to the inroads of the French and Indians. The queen sent for Pastor Kocherthal, and questioned him minutely concerning his history and that of his people. In reply the latter exhibited certificates of good character signed by the bailiffs of his native town, and which also stated that the bearers had been despoiled of everything by the invaders, whereupon the queen was graciously pleased not only to grant their request, but also free transportation to their new homes, lands free of tax or quit-rent, seed, agricultural tools and furniture, and to support them for one year, or until their first harvest could be gathered. They reached New-York in December, 1708, and after some months were settled on a grant of two thousand one hundred and ninety acres on the west bank of the Hudson, just above the Highlands, now the site of the beautiful city of Newburg. Here the storm-tossed wanderers cleared lands, built houses, roads, and bridges, and erected a church, which Queen Anne endowed with a bell, and laid the foundation of a thriving town.

Pastor Kocherthal remained only long enough to see his little colony firmly established, and then embarked for England, where he held an audience with the queen, and, gaining her countenance, went to Germany, and gathering his bruised and smitten coreligionists to the number of three thousand, brought them to England by the way of Rotterdam. It was a much larger number than had been expected, and the question of their disposal proved an embarrassing one to the queen's ministers. Some suggested settling them in Jamaica, but this did not seem feasible — they hesitated at incurring the expense of transporting so large a body to America, and of subsisting them there for a year as they had done their predecessors. At this juncture General Hunter, who had just been appointed governor of New-York, suggested employing the Palatines in the production of naval stores until they should repay the cost of their passage. At this moment the Admiralty were considering the project of drawing their naval stores, masts, ship-timber, etc., from their American colonies instead of from Norway, and a commission had been appointed, in 1698, to investigate. They had even gone so far as to offer a bounty of four pounds on every tun of tar imported from America. General Hunter's argument, as contained in a subsequent lords of trade report to the queen, was quite ingenious. "Your Majesty," he urged, "imports four thousand seven hundred barrels of tar yearly from the Baltic States. It has been found in America that one man can make six tuns of stores per year; and several working together could make double that in proportion. We suppose that six hundred men employed in it will produce seven thousand tuns a year, which, if more than your Majesty needs, could be profitably employed in trade with Spain and Portugal." The cost of production was estimated at five pounds a tun, and that of transportation at four pounds, at which figures it could be sold as low as Norway tar; and calculations were made to show how easy it would be in this way for the Palatines to refund the money advanced them, while at the same time they could be making their homes in the wilderness. The proposition of the governor was accepted. The Palatines signed a contract agreeing to settle on such lands as should be allotted them, not to leave them without the governor's permission, not to engage in woolen-manufacture, and to suffer the naval stores produced to be devoted to the payment of the money advanced. The queen, on her part, agreed to transport them to New-York, to subsist them for one year after their arrival, to furnish them with seed and implements, and to grant them, as soon as the debt was paid, forty acres of land each, to be free of tax or quit-rent for seven years. Several sites were discussed as being suitable for this settlement — one on the Mohawk above Little Falls, fifty miles long by four wide (the present Herkimer and German Flats);

another, "between twenty-four and thirty miles in length," on "a creek which runs into said River" (Schoharie?); a third on the east side of Hudson River, "twelve miles long by seventy wide"; and a fourth on the west side, "twenty miles wide by forty long." But it does not appear by their contract that a grant of any one of these tracts was specifically made them. The matter was left to the discretion of the governor.

No little government machinery was set in motion by the enterprise. Her Majesty's surveyor-general of the woods, John Bridger, was ordered down from New England to instruct them in the art of making tar. Overseers were appointed at a salary of one hundred pounds per annum, a commissary and clerk to receive and care for the stores at two hundred pounds, and a factor in England to place the stores on the market there at the usual commission. Ten vessels were collected at Plymouth for the transportation of the emigrants, the whole being put in charge of the new governor, General Hunter. No account of the scenes witnessed at the embarkation has come down to us, but they must have been of unusual and pathetic interest. Hundreds of their compatriots no doubt crowded the quay to bid them farewell and God-speed. So large an exodus had not been witnessed in modern times. There were three thousand people,—men, women, and children,—after twenty years of wandering, about to sail over a vast and stormy sea to a land as vague and shadowy to them as Atlantis is to us. An ill portent occurred, it is said, before the fleet left the harbor. A boat passing from one vessel to another was overturned, and its occupants drowned, and almost before the land faded a great storm arose and scattered the fleet, injuring one vessel—the Berkeley Castle—so seriously that she was obliged to put into Portsmouth for repairs. The voyage proved long and stormy, and, in their small vessels, crowded and badly provisioned, was full of hardship and discomfort to the voyagers. To add to its terrors, a mortal sickness broke out among them, which before the Narrows were sighted consigned four hundred and seventy of them to an ocean tomb.[1] The fleet, or a part of it, arrived at New-York, as we have seen, on June 14, 1710. The authorities of the city were somewhat dismayed at the quartering upon them at once of so large a body of people. The mayor and common council presented a petition to the provincial council asking that they might be landed on Nutten (now Governor's) Island, fearing there might be "contagious distempers" among them which would endanger the health of the city. The council coincided with this view, and appointed Doctors Garran, Law, and Moore a committee to visit the Lyon, and report as to their

[1] Surgeon Benson, of the ship Lyon, in a petition to Governor Hunter, declared that three hundred and thirty of the people on his ship were ill at one time.

health and condition. Johannes Hibon and Peter Williamse, carpenters, were ordered to build huts for them on the island. Finally it was ordered that the Palatines with their goods be forthwith landed on Nutten Island.

The vessels of the fleet came straggling in one by one. On June 16 three of the Palatine ships were still missing, and the people who had arrived were in a deplorable, sickly condition. On the 24th the Herbert frigate, with the tools, tents, and arms provided for the emigrants, was cast away on Montauk Point, and the Berkeley Castle was still missing. "The poor people," Hunter wrote, "have been mighty sickly, but recover apace." On the 12th of July he established courts of judicature on Nutten Island for the government and protection of the Palatines, and forbade exactions and extortions in the price of bread and provisions purchased by them. On the 20th an order of the council provided for apprenticing such of the Palatine children as were orphans, or whose parents were unable to support them. The boys were bound out until seventeen years old, and the girls until fifteen.[1]

MRS. RIP VAN DAM.

As soon as he could arrange affairs at New-York, Hunter turned his attention to settling the exiles. Taking with him his surveyor-general, John Bridger, he sailed up the Hudson as far as Albany, noting all desirable sites for their settlement along the way. At Albany he made inquiry of the principal men there as to the lands at Schoharie and on the Mohawk, and was assured by them that the site was wholly impracticable—first, because the lands were still held by their Indian owners, the Five Nations; second, because of the danger of incursions from the French and the Canada Indians; third, because the lands were fully twenty miles from any pine-trees, so that the people could not perform their contract to make naval stores in payment of their expenses. It was the great mistake of Governor Hunter's administration that he listened to these representations without himself going to view the lands. The parties making them were interested. They wished

[1] The names, ages, parents, etc., of those indentured between August 31, 1710, and May 5, 1714, are given in the "Documentary History of New-York," 3 : 566, 567. There were sixty-eight in all, mostly orphans, ranging in years from three to fifteen. Their masters resided in different parts of Long Island, New-York City, and the valley of the Hudson, and one in Connecticut.

to reserve the rich lands of the Mohawk and Schoharie for themselves, and to sell certain much less desirable tracts on the Hudson, of which they were owners, for the Palatines. On his way up, Hunter had been entertained by Robert Livingston at his manor-house, and had been offered by that gentleman a tract of six thousand acres on the Hudson, forming a part of his manor. Livingston was a man of great ability and force of character, who held many offices under government, and was of vital service to the infant colony. His one fault was an undue acquisitiveness, which inclined him, so that his estate was increased, to have little scruple as to the means employed. He had formed a scheme to enrich himself not only by selling his land at a good price, but also by victualing the Palatines. "Colonel Schuyler, the 'Patroon,' and others" seem to have been associated with him in the plot to keep the people off the lands promised them.[1] Hunter fell straightway into the trap. He purchased the tract of Livingston for four hundred pounds, "country money" (two hundred and sixty-six pounds sterling), though, as he soon learned, and as the Palatines were quickly told, the lands on the Mohawk were much better adapted for the purpose. The tract is now included in the town of Germantown, about eight miles below the city of Hudson; its northeast boundary extended to within two miles of the manor-house. "Over against it, but a little further," the governor found a small tract ungranted, about a mile in length along the river, where he decided to plant those not provided for on the east side; but there not being sufficient land there, he purchased of Mr. Thomas Fullerton an adjoining tract of eight hundred acres. Three villages or "dorfs" were laid out by Surveyor Bridger on the Livingston tract, called "East Camp," and two on the west side, called "West Camp." Late in September, 1710, the people began to embark for their new homes; that is, such as were willing to go. Two hundred and fifty died in New-York, some remained in that city, or joined their brethren in Pennsylvania, having probably been aided to discharge their debt to the queen. A number of young children had been indentured, as we have seen, one of the chief sources of later discontent; so that but two thousand two hundred and twenty-seven were settled on the Hudson.

Livingston, who had a brewery and bake-house on his estate, applied for and received the contract for victualing them.[2] His contract obliged him to furnish each adult a third of a loaf of bread a day,—the loaves of such sort and size as were sold in New-York for fourpence

1 "Du Pré to Mr. Vernon," Doc. Hist., 3 : 652.

2 This connection with Livingston was used with great force against Hunter by the opposition at home, and had much to do, no doubt, with the non-payment of his bills for subsisting the Palatines. The great Clarendon, in a letter to Lord Dartmouth, Secretary of State, wrote: "I think it unhappy that Colonel Hunter at his first arrival in his government has fallen into such ill hands, for this Livingston has been known many years in that province for a very ill man. He formerly victualed the forces at Albany, in which he was guilty of most notorious frauds by which he greatly improved his estate. He has a mill and brewhouse

halfpenny,—and a quart of beer to each daily from his brewhouse. The first step of the people was to build houses and make clearings. In the spring, under overseers, they were set to discharging their obligations to the queen by preparing the trees for tar-making. Two years were required for the process: in the spring, when the sap was up, they barked the north side of the tree; in the autumn, before the sap was down, the south side; the next spring, the east side; and the succeeding autumn, the west side. Then, when the tree was fully dead, it was cut into proper lengths and exposed to slow combustion in a rude kiln, by which means the tar was extracted. Turpentine was procured by bleeding the trees as now practised. Overseers were appointed to keep the people at work, and so zealous for the queen were they that the boys and girls even were set to gathering pine-knots and fat pine, from which alone, Governor Hunter reported, sixty barrels of tar were made the first year.

Soon Hunter was confronted with what proved to be one of the most harassing conditions of his administration—the refusal of the authorities at home to pay his bills for expenses incurred on behalf of the Palatines. A new ministry had come into power, quite willing to make the acts of their predecessors appear corrupt and extravagant. Early in October, 1710, he wrote to the lords of trade, saying that he was much alarmed by a letter from Mr. Perry stating that he not only could not get from the treasury the money advanced by him (Hunter) for the Palatines, but was informed by the officers there that he must expect it out of the ten thousand pounds voted by Parliament for the purpose. "I know not what Parliament has voted," he continues, . . . "but I know . . . that I am ordered to put in execution that scheme which directs that they should be subsisted at the rate of 6d. and 4d. per diem, full grown and children, . . . and for that purpose had bills of £8000 given me, which will soon be expended, and then I must see the poor people starve, or subsist them upon what credit I can make here, which if not supported at home I am undone,"— a contingency which soon came to pass.

Having settled the Palatines, the governor turned his attention to other affairs of his provinces. Those of New Jersey he found in even worse confusion than New-York. "Unless Her Majesty be pleased to remove from her Councill in the Jersey's William Pinhorne, Daniel Coxe, Peter Soumans, and William Hall, there are no hopes of peace and quiet in that province," he wrote the lords of trade in May, 1711.

upon his land, and if he can get the victualing of the Palatines, who are so conveniently posted for this purpose, he will make a good addition to his estate. . . . I am of opinion, if subsistence be all, the conclusion will be that Livingston and some others will get large estates, the Palatines will be none the richer, but will be confirmed in that laziness they are already prone to." The earl, however, was opposed to the emigration of the Palatines. It is just to Livingston to say that a commission appointed to inquire into his accounts while quartermaster exonerated him from charges of fraud.

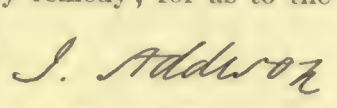
Coxe was the principal man of the colony, proprietor, and for some years governor, of West Jersey. He had been a member of Lord Cornbury's council in 1706, speaker of the house, and from 1734 to his death, in May, 1739, was associate justice of the Supreme Court of New Jersey. His is a marked name in American literature, from his "Description of the English Province of Carolina, by the Spaniards called Florida, and by the French La Louisiane," which in its preface contained a plan outlined at length, and with no little force of argument, for a confederation of the American colonies. Having been published in London in 1722, this antedated by thirty-two years the celebrated scheme of Franklin, first broached at Albany in 1754, and which is popularly supposed to have been the parent of the confederation of 1776–78. Peter Soumans was a native of Holland, son of one of the twenty-four proprietors of East Jersey. William Pinhorne has been before introduced to the reader. The fault of these gentlemen was that "they could not agree in Council on any question submitted to them"; that they caviled and wrangled on matters foreign to the business in hand, and "spent much time in indecent reflections on the conduct and memory of a person of honor recently deceased," frequently with so much heat that the governor was forced to interpose to preserve decorum. In this same letter Hunter asked for the appointment of a wholly new council, and proposed the names of eight good men for it—John Hambleton (Hamilton?), General Postmaster; Thomas Byerly, Collector of New-York and a proprietor of the Jerseys; John Reading, Clerk to the Council of Proprietors; Robert Wheeler, "a very honest, substantial inhabitant at Burlington," for the Western Division; and David Lyell, a proprietor, and John Anderson, William Morris, and Elisha Parker, "wealthy, honest men," for the Eastern Division. The assembly sustained him in this demand for a new upper house. The matter was held in abeyance by the home ministry until statements from the other party interested could be secured.

RELICS OF THE PALATINES.[1]

The governor gave a sadder account of affairs in New-York. He found the assembly refractory, restive under the queen's authority, clamorous for charter governments like those enjoyed by their neighbors, and unwilling to vote salaries for the queen's officers, or any supplies for government. It was not that he was personally unpopular —the leaven of independence was working. By and by the speaker reported that the house "had resolved by a great majority to go home

[1] These shoes, nearly two centuries old, and worn by one of the Germans from the Palatinate, are preserved by the New-York Agricultural Society. EDITOR.

about their business," and advised him to dissolve them. The council, on being consulted, also thought it better for him to dissolve them than to have them dissolve themselves, whereupon Hunter did so, accompanying the action with a sharp reprimand. "What course to take in such a juncture," he wrote the lords of trade, "I know not: the Officers of the Government are starving, the Forts on the Frontiers in ruin, the French and French Indians threatening us every day, no public money nor credit for five pounds on the public account, and all the necessary expense of the Government supplied by my proper credit, particularly fire and candle, and repairs for all the garrisons, and no hopes that I can think of for any remedy; for as to the calling of a new Assembly, I shall either have all the same members, or such others who will return with greater fury." He asked for instructions from the crown, and also as to the establishment of a court of chancery, for which "he had been pelted with petitions" in all the provinces.



To add to the difficulties of his position, religious dissensions soon broke out, and involved him in vexatious disputes and entanglements. Hunter was reported to be lukewarm toward the Established Church. Churchmen charged that he preferred Independents to chief places in the government rather than those of the Church of England. This was the root of the difficulty in New Jersey. In reply to his request for the deposition of Pinhorne, Coxe, Soumans, and Hall, the Rev. Jacob Henderson, missionary of the Church of England in Dover Hundred, Pennsylvania, wrote home a long letter asserting that there were no laws in New Jersey in favor of the Church, as the Quakers and other dissenters being most numerous and having a majority of the assembly, none could be passed; but that hitherto her interests had been conserved by the council, a majority of whom, including the gentlemen above named, were Church of England men; and charging that this was a plot on the part of Governor Hunter and Colonel Lewis Morris to turn out churchmen and place in their room dissenters, or such churchmen as would run into all the measures of the assembly. The reverend gentleman concluded by paying a glowing tribute to the characters of the men proposed to be retired, and speaking in a very damaging way of those proposed for appointment—one of whom he said was a Presbyterian, formerly a ship captain, who had plundered his ship, and with the proceeds bought land; a second, a poor, ignorant person who once kept a ferry at New-York; a third was an Independent; a fourth had been brought up "with one Kid, a Pirate"; a fifth was a man of no principles; a sixth was a Quaker; a seventh, a poor, ignorant, insignificant fellow, whom they had made treasurer with the expectation that he would be a mere tool to serve them in

their affairs. This letter brought out a reply, unsigned, but no doubt by Colonel Lewis Morris, somewhat more personal in its charges, and a war of words and letters ensued which must have proved very distracting to the home ministry when it was brought before them.

In point of fact, Hunter was a good churchman, as he iterated and reiterated in letters to the Lord Bishop of London and to his friend John Chamberlayne of London.[1] The report of his lukewarmness came from the Rev. William Vesey, rector of Trinity Church. Mr. Vesey was a good man, but so thoroughly absorbed in his church and parish work as to have become somewhat narrow-minded and bigoted, ready to go to undue lengths in order to advance the interests of his church. Hunter was much more liberal in matters of faith than his predecessors Lovelace and Cornbury, and the two clashed. Hunter, in his letter to the bishop, before mentioned, charged that Mr. Vesey had openly and grossly abused him before his arrival, and ever since that time had been a constant caballer with those who had obstructed all settlement of the revenue "in order to starve me out, as they phrase it." Mr. Vesey's earliest and probably chief grievance is narrated at length by Colonel Lewis Morris[2] in a letter to John Chamberlayne. On the governor's arrival, he wrote, application was made to him by Trinity Church for the Queen's Farm, which he immediately gave during his term. This, however, did not satisfy Mr. Vesey, who asked the governor to join him in a petition to Queen Anne to grant it to Trinity Church, it having formerly been granted them by Colonel Fletcher, which grant was vacated among others by act of assembly. This Governor Hunter declined to do, on the ground that the queen was already thoroughly well informed in the case, and that it would be improper for him to join in such a petition. He could do nothing more, he said, than to grant it during his term. Another grievance of Mr. Vesey's was that the governor had refitted the old chapel in the fort and given authority to her Majesty's chaplain, the Rev. John Sharp,[3] to officiate on Sundays for the benefit of the garrison. This Mr. Vesey thought an invasion of his jurisdiction. That, however, of which he made the most account was the course of the governor toward the Rev. Thomas Poyer, incumbent of the church at Jamaica.

This was the *cause célèbre* of its time, and not only set the whole province by the ears, but was carried to the Society for the Propaga-

1 In the latter he speaks of the Church as "our Holy Mother, in whose communion, ever since I was capable of sober thought, I have lived and by the blessing of God am resolved to die."

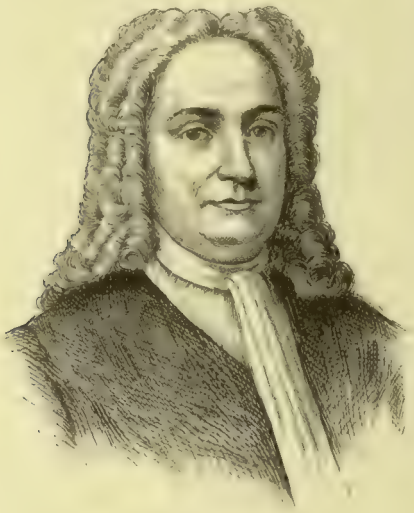
2 Of the famous Morrisania family, the personal friend of Governor Hunter. The two first met in London before Hunter came to America. Their intimacy was renewed at Morris's fine manor-house in Monmouth County, New Jersey. Their literary tastes were congenial; among other things they composed together a farce called "Androborus,"— the man-eater,— a satire of the times. Morris was an able lawyer, and in 1715 was appointed by Governor Hunter chief justice of the province.

3 Made chaplain October 20, 1704; in 1706 he preached the funeral sermon of Lady Cornbury, which was afterward printed in London. A facsimile of the title-page appears in a previous chapter. He returned to England in 1717.

tion of the Gospel in Foreign Parts, to the Lord Bishop of London, to the law-officers of the crown, and finally to the queen herself. The difficulty arose from the loose wording of the Settling Act which had been passed in Fletcher's time. In order that it might pass an assembly composed largely of dissenters, this was so drawn as to give the churchwardens and vestry the power of calling a minister, thus practically allowing the dissenters, wherever they were in a majority, as they were in almost every town, the privilege of calling their own minister. In giving them this power, however, Fletcher really caught them with guile, for his secret instructions, as he well knew, forbade the induction of any clergyman to a living unless he had a certificate from the Bishop of London—instructions which in reality gave the livings established under this act to the Church of England. The church at Jamaica had been built by vote of the town, and the minister's salary had been raised by an annual tax. The Rev. William Urquhart, the rector inducted by Lord Cornbury, had recently died, and Governor Hunter had inducted the Rev. Mr. Poyer, a missionary of the society, who had the certificate of the Bishop of London as the law directed. A daughter of Mr. Urquhart, however, had married a dissenting minister who was now living in the manse, which he refused to give up, alleging his right to it under the terms of the Settling Act of 1693. On being applied to, Hunter referred the matter to Chief Justice Mompesson, who gave a written opinion that the then occupant could only be dispossessed by due process of law, and that any other course would be a high crime and misdemeanor. Hunter thereupon instructed Mr. Poyer to begin suit in the courts, promising himself to pay the costs, the former being unable to meet them. Mr. Poyer, however, referred the matter to his ecclesiastical superiors at home, and with Messrs. Vesey and Henderson, and at the instigation of the two last, as was charged, signed a "representation," addressed to the Earl of Clarendon, attacking the governor's course in the matter, and circulated it secretly among the clergy for signatures. When Hunter heard of this he acted promptly and with wisdom. He convoked the clergy of both provinces, and in a temperate and forcible speech laid the whole matter before them. After hearing this they signed an address in which those who had signed the paper disclaimed any intention of casting reflections upon him, although they were not willing to allow the matter to go to the courts until they should learn the will of the Bishop of London, whom they had addressed.[1] His

[1] The address is signed by William Vesey of Trinity Church, New-York; Christian Bridge of Rye, Westchester County, New-York; Aeneas Mackenzie of Staten Island; John Thomas of Hempstead, Long Island; John Bartow of Westchester, Westchester County, New-York; Henricus Beys of Harlem; Thomas Poyer of Jamaica, Long Island; John Sharp, Chaplain to the Fort of New-York; Daniel Bondert of New Rochelle; and Alexander Innes of Shrewsbury, New Jersey; who were, no doubt, all or nearly all of the settled clergymen of the Church of England in both provinces at that time.

enemies having appealed to the Bishop of London, Hunter next addressed a manly letter to that prelate, in which, after reciting the facts given above, he gave some instances of his loyalty and good disposition toward the Church, of interest to men of to-day. "I have," he wrote, "by a liberal contribution and all the countenance and influence I could give it, finished Mr. Vesey's steeple. The Ancient Chappell in the Fort (*hinc illæ lachrymæ*), for many years past a bear garden, I have at a great expense put in repair, so that it is now one of the most decent and most constantly frequented Houses of Prayer in all America. I have by my assistance and interest at last finished the Church at New Rochelle, and granted a Patent for the ground forever, a thing often sought but never obtained during the administration of former governors. I have now actually in hand subscriptions for the building of more at Rye, Piscataway, Elizabethtown, &c. . . . I have spared no pains to get finished the Forts and Chappells for ye reception of our Missionaries amongst the Indians, and lastly, what ought not to be boasted of by any but such as like me live amongst bad neighbors, I have charitably assisted the indigent of the Clergy."



AUGUSTUS JAY.[1]

Mr. Poyer's reason for not taking the case into the courts was that the justices were all dissenters, and he feared that the church would not receive justice at their hands, and in case of an adverse decision he could not take an appeal either to the governor and council, or to the queen, the sum in question not being of sufficient amount. A miscarriage of justice here, he feared, would ill affect other churches in the province. The Bishop of London does not seem to have interfered, but the Society for the Propagation of the Gospel in Foreign Parts, whose missionary Mr. Poyer was, carried the matter to the crown, and procured an order in council granting the right of appeal to the clergy in all cases. Encouraged by this act, and by the fact that by an election in Jamaica some men favorable to the church were elevated to the bench, Mr. Poyer brought suit for arrears of salary, and for possession of the glebe, and after many vexatious delays secured a mandamus from Chief Justice Morris, directed to the justices of Jamaica, ordering the churchwardens to put Mr. Poyer in posses-

[1] For a brief biographical notice of Mr. Jay, see page 90 of this volume. EDITOR.

sion of his glebe, and to pay over to him the salary of sixty pounds a year raised under the Settling Act, as the only duly qualified minister under the act. The churchwardens, both dissenters, refused to obey, whereupon they were summarily fined and dismissed from office, others more complaisant being appointed in their stead. The vestry, which was also composed of dissenters, now refused to lay the tax for raising the minister's salary, and on the justices signing warrants for it, and giving it to the constables for collection as the law empowered them, the constables were resisted and a riot ensued. The whole affair illustrates vividly the sectarian rage and bitterness of the times.

In the spring of 1711 Governor Hunter was called from these ecclesiastical quarrels to a matter of graver importance. The ministry had decided to attempt once more the often-promised attack on the French possessions in Canada, and to redeem the sad failure of two years before. A large fleet, under command of General Hill, was to sail from England, rendezvous at Boston, then, taking the Massachusetts troops, enter the St. Lawrence and attack Quebec, while an army composed of the colonial forces was to assemble at Albany, march overland, and attack Montreal. Colonel Francis Nicholson, who was then in England, was again placed in command of the colonial troops. Hunter was "one hundred miles up the Hudson River," returning from a conference with the Five Nations, when the express with orders to make ready for the expedition reached him; and he at once hastened to New-York and began his preparations with vigor, first sending an express back to Albany with directions to detain two sachems of each canton (nation) until further orders. Reaching New-York, he gave instructions for purchasing bread and other necessary stores, ordered the frigate Feversham to Maryland and Virginia for pork, there being none in New-York, and then hurried off to New London in Connecticut, where a congress of colonial governors had been called to concert the plan of the campaign. This over, he hurried back to New-York, having "the Assemblies of the two Provinces to manage," as he afterward wrote; first despatching Colonel Schuyler to Albany with orders to the sachems above mentioned to bring immediately all their fighting men with their arms and canoes to Albany. Time pressed, for at New London they had had news of the arrival of General Hill at Boston. The assembly of New-York met in New-York on July 2, that of New Jersey at Perth Amboy on July 6. The New-York body raised ten thousand pounds and their quota of six hundred men for the expedition, "though they grumbled much at the proposition." New Jersey raised five thousand pounds, and, on the governor's employing "all hands and arts for levy there," two hundred volunteers. Before the end of July he "had the troops

levyed, clothed, accoutred and victualed, and upon their march for Albany, had ready three hundred and thirty batteaus capable of carrying each six men with their provisions, and had sent round to Boston a sufficient quantity of bread and a considerable stock of other provisions," and on the 9th of August "went in Company with Lieut.-General Nicholson to Albany." The Iroquois had not then arrived, but shortly came, "a Jolly Crew, eight hundred in number," and were sent after the other troops, who had filed off into the wilderness on their march for Montreal. The little army consisted of Colonel Ingoldesby's regiment of regulars, to complete which the Jersey troops and some three hundred of our old acquaintances the Palatines had been drafted; Colonel Schuyler's regiment of New-York troops, Palatines and Indians; Colonel Whiting's regiment of Connecticut levies; and the Five Nations with their allies—in all twenty-three hundred and ten men.

Hunter returned to New-York, and found there despatches from Admiral Walker, commanding the coöperating fleet (which had sailed from Boston on July 28), stating that they were in the mouth of the St. Lawrence on August 14, with a fair wind, and asking for more supplies for fear of being obliged to winter there. The Feversham, and transports having on board a thousand or more barrels of pork, with as much bread, flour, butter, peas, rum, and tobacco as they could carry, were in the harbor and were ordered to sail for Quebec the first wind that offered. "This, sir, is the present state of this glorious enterprise, which God prosper," Governor Hunter wrote Secretary St. John, on September 12. A few days later he received a despatch from General Hill, dated "on board Her Majesty's ship Windsor at the River of St. Lawrence, August 25th, 1711," informing him that, in a heavy fog on the night of the 22d, the fleet had fallen in with the north shore and had lost eight of the transports with one thousand men, besides a ship laden with provisions, and that the admirals and captains had decided that the ascent of the river was wholly impracticable, owing to the ignorance of the pilots who had been taken on board at Boston. The expedition had therefore been abandoned, and he asked Hunter to send an express to General Nicholson with the news, leaving it optional with him to go forward or return, as he judged best for the service. The fleet soon sailed, and returned ingloriously to England, reaching Portsmouth on October 9, where it met with another misfortune, the seventy-gun ship Edgar being blown up, with the loss of four hundred men. Nicholson, who had not gone far, was recalled, thus closing this most abortive campaign. It had plunged the colonies heavily into debt, but its worst result was the loss of confidence and respect, both on the part of the colony and of its allies the Indians and Palatines.

The council and the assembly (at the desire of Hunter, no doubt) joined in a petition to the ministry to make a second attempt, but the war from this time forward was prosecuted in a lax manner, and two years later, in 1713, was terminated by the Peace of Utrecht.

While the war was in progress a conspiracy of negro slaves threw the city of New-York into an agony of excitement and apprehension. The importation of African slaves, as has been narrated, was begun by the West India Company in the infancy of the colony, and had been very industriously continued by England. It was a lucrative and recognized branch of trade; during the present administration a mart for the purchase and sale of this commodity had been established in Wall street. No gentleman's establishment was considered complete without its complement of three to fifteen slaves. Of the aristocracy of New-York in 1704, Widow Van Cortlandt owned nine slaves; Colonel De Peyster, the same; Rip Van Dam, six; the widow of Frederick Philipse, whose household comprised only herself and child, seven; Balthazar Bayard, six; Mrs. Stuyvesant, five; Captain Morris, seven; while William Smith, of the Manor of St. George, had twelve. They were as a rule rude, stupid barbarians, with little intelligence except a certain brute cunning. The war, however, had introduced among them a class called "Spanish Indians," who were without doubt what they claimed to be,—white men,.subjects of the King of Spain,—but who, having been captured by privateers on Spanish ships, had been cruelly sold into slavery by their captors, their swarthy complexions giving color to the claim that they were West Indian negroes. These added a dangerous element of intelligence to the situation. In April, 1712, a number of the slaves, having been badly treated by their masters, laid a plot to revenge themselves and gratify their lust by murdering all the white males and then capturing the city. This was not to ignorant minds a hopeless scheme, since of the five thousand eight hundred and forty souls then composing the population of New-York fully one fourth were negro slaves and Indians. On April 6, at midnight, the conspirators, to the number of twenty-three, armed with swords, guns, knives, and hatchets, met in the orchard of a Mr. Crooks, "in the middle of the town"—according to Governor Hunter, whose account we follow. By agreement "one Cuffee, a negro slave to one Vantilburgh," set fire to his master's outhouse, and then joining his fellows, the whole party hastened to the fire, and as the citizens hurried to the scene fired upon them, killing several. The report of the muskets alarmed the town, and those that escaped soon published the fact that the slaves were under arms, which deterred others from hastening to the spot and frustrated the object of the conspirators—a surprise. Had they used swords, knives, and hatchets instead, the result might have been different. Governor Hunter in this emergency acted with

great promptness and wisdom. He ordered a detachment of the soldiers in the fort to march to the scene, but at the first roll of the drums the assassins fled into the forests that then overhung the town. Next morning at daybreak he placed sentries at all avenues of escape from the island, and called out the militia to beat the woods. By this means, and by a strict search throughout the town, he captured all of the conspirators except six, who committed suicide rather than endure the penalty of the law. The others were brought before a special court, instituted by act of assembly for the trial of such cases. "In that Court," wrote Governor Hunter, "were twenty-seven condemned, whereof twenty-one were executed: some were burnt, others hanged, one broke on the wheel, and one hung alive in chains in the town, so that there has been the most exemplary punishment inflicted that could be thought of." These prompt measures seem to have thoroughly overawed the malcontents, for we hear no more of slave insurrections until thirty years later.

Meanwhile the Palatines were proving a thorn in the flesh to the worthy governor. In truth their condition at this time was pitiable. We left them in the spring of 1711, as they were about going into the woods to manufacture naval stores for the queen, in payment of their debt. But they soon found that, although they might work at this calling far beyond the natural term of man's life, they could not discharge their debt; and, as they were not to receive the grant of forty acres of land until the debt was paid, that they had sold themselves into virtual slavery. It has since been demonstrated that naval stores cannot be produced at a profit from the northern pine. In the case of the Palatines they were forced to pay in addition the salaries of a little army of overseers, commissaries, clerks, etc.[1] They were cheated too in the quality and quantity of the provisions furnished them.[2] That which rendered them most discontented, however, was the being kept from the lands on the Schoharie which had been promised them, and which had been described to them by certain mischief-makers as fertile and desirable beyond belief. Under these circumstances it is not surprising that the people became listless and disobedient, and that, on one occasion at least, Governor Hunter was called to the manor to quell a mutiny of the more turbulent spirits, and was at length forced to deprive them of the arms which had been given them. Their

[1] There is a list of these in Doc. Hist., 3: 561, viz.: "Robt. Lurting, Dept. Commissary, salary £100 per annum. James Du Pré, Com's'y of Stores, £250 pounds per year. Two under Com. of Stores, £60 pounds each. John Arnoldi, 'Phisitian-General,' £100. Two Overseers, £50 each; two Surgeons, £20 each. Two Clerks or Schoolmasters, £10 each. Six Captains, £15 each. Six Lieutenants, £12 each. Two Messengers, £10 each. Four Nurses for the hospital, 2s. 6d. per week." George Clarke was treasurer and commissary of provisions, with no salary as given; Joshua Kocherthal, minister, with no stated salary.

[2] "I never saw salted meat so poor nor packed with so much salt as this pork was. In truth almost one eighth of it was salt. . . . A barrel (of flour) tared 17 lbs., . . . emptied and well shaken, weighed 21 lbs. tare." Jean Cast to Governor Hunter, May 1, 1711.

later history under Governor Hunter, and their grievances, are very succinctly stated in a memorial of 1720 to the crown, unsigned, but probably drawn from data furnished by Pastor Kocherthal, who, leaving his church at Newburgh, had cast in his lot with the larger company.[1] These grievances were, in brief: before they left England they were promised five pounds in money per head, which had never been given them; also clothes, tools, seeds, etc., of which they had received but very little; moreover, a grant of forty acres of land, but it was never performed. The captains of their six companies had each been promised fifteen pounds per annum, but not one farthing had hitherto been paid them. Their children had been taken from them without their consent, and bound out until they were twenty-one, thus depriving the parents of their company and support. The lands given them on Livingston Manor were ordinary and almost barren, unsuitable for raising corn and cattle, or for producing naval stores; the lands promised them in Schoharie were denied them by the governor because he would have to maintain too many garrisons. They were ordered to detach three hundred able men for the expedition to Canada, and did so; but that although those men had been put on the establishment of New-York or New Jersey or both, they received no pay, and on returning home found their families almost starved, no provisions having been furnished them. The following winter they were detached to the aid of the garrison at Albany, for which service they received no pay. That in the second year of their abode on the Hudson, in the autumn, they received notice from the governor that he could no longer subsist them, and that they must shift for themselves but not to leave the province. Wherefore, winter being near at hand and no provisions to be had, they were under necessity of seeking relief from the Indians, which was cheerfully granted them, and permission given them to settle on the latter's land at Schoharie, which the Indians said they had formerly granted to Queen Anne for that purpose, and for that purpose only.

Given heart by this permission, the people fell to work, and in fifteen days cleared a road from Schenectady through the woods, fifteen

[1] This good man died in 1719, it is said, from the fatigues incident to a third voyage to England, whither he went to lay the wrongs of his people before the king. His tomb is still to be seen in West Camp, in the present town of Saugerties — a sort of vault in a field near the Hudson, covered with a large flat stone on which was inscribed, in German, this mystical epitaph:

"Wise Wanderer under this stone rests near his Sybilla Charlotte [his wife]. A true Wanderer, the Joshua of the High Dutch in North America and the same in the East and West Hudson's River. Poor Lutheran Preacher, his first arrival was with Lord Lovelace, 1707-8, January the 1st; his second was with Col. Hunter, 1710, June the 14th. His voyage to England brought forth his heavenly voyage on St. John's Day, 1719."

In a letter to the Editor, the pastor of the Lutheran Church at West Camp, N. Y., writes: "The stone referred to is in an old graveyard here, located between West Camp Church and the river. It is the first burying-ground of the Palatines. We are considering the matter of bringing up the Rev. Joshua Kocherthal's stone (which is a large slab lying on the grave) and giving it a place in our church-building, to which care and attention it is certainly entitled." EDITOR.

miles long, "with utmost toil and labor, though almost starved and without bread"; whereupon fifty families followed the toilsome way to Schoharie, but when almost settled there received orders from the governor not to go upon that land under penalty of being declared rebels. Necessity, however, compelled them to hazard the governor's resentment by continuing their clearings, and in March the remainder of the people, relinquishing the improvements made on the Hudson, journeyed in sledges for two weeks over the deep snows, enduring great suffering from cold and hunger, and joined their friends and countrymen in the promised land of Schoharie; whereupon "some of the people of Albany" tried to purchase the land about them of the Indians, so as to close them in, and deprive them of any range for their cattle. The emigrants, however, who seem to have had the sympathies of the Indian chiefs, prevailed upon the latter to sell them the rest of the land at Schoharie, "being woods, rocks, and pasturage," for three hundred pieces of eight. Governor Hunter, as soon as he heard of this, sent one Adam Vroman to persuade the Indians to break their agreement, but without success. For a year the "miserys endured by these poor creatures were almost incredible, and had it not been for the charity of the Indians, who showed them where to gather edible roots and herbs, they must inevitably have perished." At the expiration of that time, when the improvements of the people were beginning to make the lands valuable, "several gentlemen of Albany" came to them, and said they had bought that land of Governor Hunter, and if they continued there it must be as tenants at a rental which the people deemed impossible to pay. These gentlemen next sought to induce the Indians (for money or rum) to put them in possession of the land and declare them the rightful owners, but without avail. In the year 1717 Governor Hunter came to Albany, and ordered three men from every Palatine village to come before him there, particularly Captain John Conrad Weiser (the leader among them), and on their appearing before him said he would hang Captain Weiser, and then asked three questions — why they had gone to Scho-

FEE YEE NEEN HO GA RON,
EMPEROR OF THE SIX NATIONS.

harie without his orders; why they would not agree with the gentlemen of Albany; and why they were so much with the Indians? To the first query they answered that he had told them they must shift for themselves, and that the direst necessity had forced them to remove thither to get bread for their wives and families. In reply to the second question, they said that the land was so little, and wages so bad, that they were quite unable to pay the extravagant rental demanded by the gentlemen, and that it seemed unjust, because they had already been granted the lands by the Indians, and had made great and expensive improvements on them. To the third question they replied that their only salvation from the French and Canada Indians was to keep on fair terms with the Iroquois. Governor Hunter then told them that he had sold their lands to the gentlemen of Albany for fifteen hundred pistoles, and that such of them as would not agree with them or turn tenants should be ejected; and he ordered two lists made — one of those who would agree, and another of those who would not. He further told them that he expected orders soon from England to transplant them to another place; and on their representing the hardship of being forced from the lands their labor had improved, he promised to send twelve men to appraise the latter, but this was never done. The next winter they sent three men to the governor at New-York to ask him to grant them liberty to plow the lands at Schoharie, but he answered, "What is said is said," meaning that the command not to plow the land given at Albany was still in force; but their necessity grew so great that they were forced to sow the lands. Upon this, the gentlemen seized a Palatine woman and one man as they visited Albany, and threw them into prison, and would not release the latter until he had given one hundred crowns as security. The governor sent word that all the Germans should take the oath of allegiance, and pay eight shillings per head, which they agreed to, "in hopes of a settlement"; but up to the date of the memorial (1720) this promise, like all the others which had been "formerly made unto them, was in vain."

ECON OH KOAN,
KING OF THE RIVER NATION.

The above is a clear, connected account, from the Palatine standpoint, of the treatment of this people up to the close of Governor Hunter's administration. The point of view of Governor Hunter was of course entirely different. To him they were a band of obstinate, refractory rogues, who, after being transported and subsisted by the unexampled goodness of the queen, refused to discharge their just debts to her, and repudiated their most solemn obligations; on whose account he had drawn heavily upon his private purse, with very little prospect of being recompensed either by the Palatines or the home government; and who had caused him more fatiguing journeys and personal care and attention than any other element in his government. It must be confessed that there were among the emigrants lazy "ne'er-do-weels" and vicious and obstinate persons who abused the confidence of the good queen; but it is pretty certain that had the people been rightly treated, there would have been little or no trouble with them. Hunter's great mistake lay in not placing them at first on the lands which had been promised them — a course he would have followed, no doubt, but for the influence of Livingston and the Albany syndicate: then at least they could have had no just cause of complaint.

HO NEE YEATH TAN NO RON,
KING OF THE GENERECHGARICH.

Turning to more local affairs, we find an encouraging rate of progress during Governor Hunter's administration. Jacobus Van Cortlandt[1] was appointed mayor in 1710; Colonel Caleb Heathcote[2] succeeded him in 1711, and proved an efficient officer. Broadway was graded during his term from Maiden Lane to the Common, and two rows of

1 Jacobus Van Cortlandt was the second son of Oloff Stevensen, and a brother of Mayor Stephen Van Cortlandt (see note at end of Chapter I, p. 51). He was born in 1668, and married Eva Philipse, daughter of the great landed proprietor Frederick Philipse. Through her part of the Yonkers estate became Van Cortlandt property. His son Frederick, who inherited the Westchester lands, married the daughter of Augustus Jay; and his daughter Mary married Peter Jay, the son of Augustus, and the father of the famous patriot John Jay. Mayor Van Cortlandt died in 1739. The city during his incumbency numbered 5500 souls.

2 Besides his occupancy of the mayoralty, Caleb Heathcote was so prominent in the affairs of the city and province that his name has frequently occurred in the pages of this work. He came to America as a young man under rather romantic circumstances, having been disappointed in love, the lady to whom he was engaged marrying his elder brother. He was the son of the Mayor of Chester, England, a man of considerable wealth. The foundation for the fortune he himself accumulated in this country was laid by his uncle, George Heathcote, who settled in New-York in 1674 or 1675, and engaged in trade. His residence

shade-trees planted on the improved section, as had been done on the lower portion of the street. The total income of the city for 1710 was £294 7s. 6d., derived from rents,—ferry, dock, swamp, etc.,—licenses, freedoms, the pound, fines and forfeitures, gaugers, packers and cullers, and leases; the total expenditure was £277 4s. A new ferry to Staten Island was established in 1713, with the following table of rates:

"If a man hiereth a boate to New-York	06*s.*	0*d.*	0*fr.*
and for a quarter of dead beaf	00	6	0
for a hors and man to New-York	06	0	0
for a bucket of wheat to N. Y.	00	1	1
and for a firkin of butter	00	4	2
and for a sheep	00	4	2
for a single person	00	9	0
to long island a hors and man	03	0	0
If the boate goes with a single man	01	6	0."

The census of New-York was taken June 5, 1712, and showed 4848 white people in the city and 970 blacks. That the spirit of invention was abroad is shown by the petition of John Marsh setting forth that he had invented a way to dress hemp and flax by mill, and asking for himself and assigns a patent for the same for fifteen years. In August, 1712, the governor received from Queen Anne a curious gift—the pictures of the four Indian chiefs who had been taken to England by Colonel Schuyler in 1709, where they had been much fêted and caressed, having had, among other marks of attention, their pictures taken. Twelve of these in frames,

SA GA YEATH QUA PIETH TON, KING OF THE MAQUAS.

was on the present Pearl street, north side, the present Pine street running through his lot or garden. Caleb came over in 1692, and entered into partnership with him. At his death he left the bulk of his wealth to his nephew. The change of scene and success in business evidently cured Caleb Heathcote of his disappointment in love, for he married the daughter of Mr. William Smith, of Long Island, usually known as "Tangier" Smith, as he had been Governor of Tangier, to distinguish him from the William Smith who was attorney-general of the province, the father of William Smith the historian and later chief justice of Canada. Soon after his arrival in New-York he was appointed a member of the governor's council; he was collector of the port while Lord Lovelace was governor; and by Hunter he was placed in the mayoralty. On retiring from business, Heathcote went to live at his country-seat in Westchester County, near Mamaroneck. The place was known as Heathcote Hall. The territory he possessed extended about eighteen miles back from the Sound. He died in 1721, leaving two sons and four daughters; one of the latter married James De Lancey, the lieutenant-governor and chief justice. EDITOR.

and one hundred and ninety-two without, had been sent over by her Majesty's command, to be distributed among the various colonies.[1]

George R

It was during this period that the American tree-toad, mosquito, and lobster were introduced to the English public. Mrs. James Grant, in her "Memoirs of an American Lady," written later, describing the melody of nature's orchestra at eventide, speaks of the songs as being "now and then mingled with the animated and not unpleasing cry of the tree-frog, a creature of that species, but of a light, slender form almost transparent and of a lively green; it is dry to the touch, and has not the dark moisture of its aquatic relations. In short it is a pretty lively creature with a singular and cheerful note." A letter-writer of 1710 gives an amusing account of the mosquito, which he

[1] They were ordered to be distributed as follows: "The 12 in frames, of each:

1 to N. York, 1 to Boston } to be placed in the Council Chamber
1 to the 5 Nations to be placed in ye Onondaga Castle where the 5 Nations meet

"Without frames, of each:

8 for N. York
4 to Jersey
8 to Boston
4 to N. Hampshire
4 to Connecticut
4 to Rhode Island
4 to Pennsylvania if they give money
} to be disposed among ye Council and Assembly as ye Govrs. think fit

1 to each of ye 5 Nations and ye River Indians
1 to ye 4 Indians who went to England
1 to the Govr of Maryland, 1 to the Govr of Virginia } to be hung up in the Council

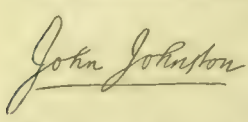
"New-York, Aug. ye 8, 1712."

The portraits of the four visiting Indians (one of the number conducted by Colonel Schuyler having died) were painted, by order of the queen, by a celebrated Dutch portrait-painter, John Verelst (contracted from Van der Elst, or possibly Van der Helst, which was the name of the world-renowned portrait-painter of Rembrandt's time), who had resided many years in London. The visit of the Indians had created such a great sensation at the capital and throughout the kingdom, that the artist found it necessary to guard against unlimited reproductions of his work. In the "Tatler" for May 16, 1710, Verelst notified the public that no permission would be granted to make a sketch or copy, unless it were done by a skilful engraver or draftsman, and the fact be published in the "Tatler." In the "Tatler" of November 14, 1710, accordingly, there appeared an advertisement as follows: "This is to give notice that the mezzotinto prints by John Simmonds, in whole lengths, of the four Indian Kings, that are done from the original pictures drawn by John Verelst, which her Majesty has at her palace at Kensington, are now to be delivered to subscribers, and sold at the Rainbow and Dove in the Strand." But other hands could not be restrained from making copies of pictures that were so greatly in demand: none of the others, however, were recognized or authorized by the painter. It was the Simmonds mezzotint prints that were sent in such generous numbers to the "plantations" in America. A set of proof impressions is in the possession of Mrs. John Carter-Brown, and the illustrations in the text are derived from these. Another set is included among the collection of the American Antiquarian Society. The originals by Verelst are still preserved in the British Museum. EDITOR.

terms an "animalculæ that follows the hay which is made in the salt meadows or comes home with the cows in the evening," and which could terribly disfigure a person's face in a single night. The same writer also informs us that lobsters were unknown in the waters about New-York until the wreck at Hell Gate of a "well-boat," in which they were brought alive from New England, where they were plentiful. The lobsters that formed her cargo escaped alive into the sea, and multiplied to such an extent that they became abundant. An event of the fall of 1711 was the receipt of an act of parliament establishing a general post-office for all her Majesty's dominions, and for setting a weekly sum out of the revenue for the service of the war.

The social life of the town during the early years of Governor Hunter's term was courtly and even brilliant in character, and with the governor's literary labors did much to soften the animosities and austerities of the time. Both the governor and his wife were genial and hospitable in temperament, and well fitted to shine in social life. In addition to his town establishment, Governor Hunter maintained a country-house at Amboy in New Jersey. He also purchased Mattenecunk Island in the Delaware near Burlington, and, as appears from letters of prominent citizens of Burlington in regard to a house and furniture there, set up an establishment at Burlington on the occasion of meeting the New Jersey assembly in that town. Dueling was then of course the order of the day among gentlemen of honor. A duel occurred in New-York shortly after the excitement over the negro plot had died away, in 1713, which deserves attention. It was fought between Dr. John Livingston and Thomas Dongan, the nephew and namesake of the former colonial governor, who was now Earl of Limerick. Dr. Livingston was killed, and it appears that even at that early day, a hundred years before the Hamilton-Burr duel, which is usually looked upon as having given the death-blow to the practice in this State, there was a sufficiently strong sentiment against dueling in this city to procure not only the trial of Dongan, but even his conviction for manslaughter. All the national festivals, such as birthdays of members of the royal family and anniversaries of great events in English history, were celebrated scrupulously and with great *éclat*. On August 2, 1714, Queen Anne died, and George, Elector of Hanover, was proclaimed king as George I. The news seems to have reached New-York on October 7, as on that day the council met and appointed "Monday next" for proclaiming "King George in this city in the most solemn manner as hath formerly been done on such occasions." The appointed day was celebrated by a parade of the militia, the firing of cannon, addresses from the governor and other prominent gentlemen, and by bonfires and a general illumination in the evening. The name of Fort Anne was changed to Fort

George, and the next February a general thanksgiving was proclaimed "for his Majesty's accession to the throne of Great Britain." In the summer of 1716 occurred the sad death of Lady Hunter, and from this time until his retirement in 1719 her husband was a changed man. She was a lady of superior beauty, intelligence, and education, and was almost idolized by her husband; to her death no doubt are to be attributed his failure of health and final retirement from his post. So well had Governor Hunter borne himself that the spring elections of 1715 resulted in an assembly much more favorably disposed to the government. Up to this date the governor had received no salary, the voting of a revenue having been refused on one pretext and another; in this assembly, however, his services, privations, and embarrassments were so vividly pictured by his friends, particularly by Lewis Morris, that the revenue was voted, and the governor's position made more tolerable. Chief Justice Mompesson died in June of this year, and Hunter appointed Lewis Morris to fill the vacancy—a good appointment, although it elicited much adverse criticism from the opposition, with whom Morris was anything but popular.[1] There were also changes in the councils of the two provinces this year. George Clarke, Secretary of New-York, was appointed to fill the vacancy in the council of New-York caused by Mompesson's death, and David Jamison, Chief Justice of New Jersey, to fill his place in the council of that province; and on the death of Dr. Samuel Staats, which soon occurred, Jamison was appointed to fill his place in the council of New-York. Augustine Graham, John Johnston[2] (the newly appointed mayor), Stephen De Lancey, Robert Lurting, and Robert Watts were also nominated for councilors —an increase recommended in order that a quorum might always be present. Two immigrants of note came to the young city in 1716—William Smith from Buckinghamshire, England, the father of William Smith the historian of New-York, and James Alexander of Scotland, who by his marriage with a New-York lady, Mrs. Samuel Provoost, became the father of William, Lord Stirling, a prominent figure in the subsequent events of the Revolution. Alexander was a lawyer of talent and a fine mathematician, and Hunter, soon discovering his ability, made him first surveyor-general of New Jersey, and later attorney-general of New-York. Within a few years he rose to be one of the leading spirits of the colony, but in the midst of his political duties he found time to continue his scientific studies, and



[1] Chief Justice Morris, as has been stated, was highly esteemed by the governor, being of similar intellectual tastes, and endowed with brilliant capacities. As an evidence of their friendship, Morris named one of his sons Robert Hunter, who figures in later colonial history as chief justice of New Jersey and governor of Pennsylvania. EDITOR.

[2] John Johnston was mayor from 1713 to 1720. Very little is known about him except that he was a merchant, owning vessels that went upon foreign trade. He was made a member of the royal council in 1718. The city's population reached about 6500 in his day. EDITOR.

with Dr. Franklin and others founded the American Philosophical Society. His son William, falling under the eye of Shirley in the French and Indian wars, was made aide and private secretary to the latter, and accompanied him to England, where, by the death of the Earl of Stirling, being next in the line of succession, he fell heir to that earldom. The Presbyterians in the city had grown so rapidly during Hunter's term that, in 1718, they purchased land in "Stouttenburgh's garden,"[1] and the next year erected a church upon it and opened a cemetery beside the building. The first minister was the Rev. James Anderson. This church had an interesting history from its repeated efforts to obtain a charter, which, however, properly belongs to succeeding chapters.

In the spring of 1719 Governor Hunter decided to return to England. His health had become greatly impaired. His wife had an inheritance there which he desired to secure for his five children; he had also large bills against the British treasury for subsisting the Palatines, which he hoped to recover. He made his preparations secretly, lest the knowledge of his intended departure might give rise to intrigues. On June 24, 1719, he called the assembly together and, after transacting some necessary business, thus addressed them: "Gentlemen, I have sent for you that you may be witness to my assent to the Acts passed by the General Assembly in this session. . . . I take this opportunity also to acquaint you, that my uncertain state of health, the care of my little family, and my private affairs on the other side have at last determined me to make use of that license of absence which was some time ago graciously granted me, but with a firm resolution to return again to you if it is his Majesty's pleasure that I should do so: but if that proves otherwise, I assure you that whilst I live I shall be watchful and industrious to promote the interest and welfare of this country, of which I think I am under the strongest obligation for the future to account myself a countryman. I look with pleasure upon the present quiet and prosperous state of the people here, whilst I remember the condition in which I found them upon my arrival. As the very name of party or faction seems to be forgotten, may it ever lie buried in oblivion, and no more strife ever happen amongst you, but that laudable emulation who shall prove himself the most zealous servant and dutiful subject of the best of princes, and most useful member of a well-established and flourishing community, of which you gentlemen have given a happy example." To which Robert Livingston, speaker of the assembly,

[1] On Wall street between the present Nassau street and Broadway. This first Presbyterian church stood until 1748, when, the congregation having greatly increased under the labors of Rev. Ebenezer Pemberton, the second minister, it was torn down and a second edifice "of stone, in length eighty feet and about sixty feet in breadth," was erected on the same site. This stood until 1844. The lot, in 1766, was eighty-eight feet wide, front and rear, and one hundred and twenty feet deep, English measure.

replied: "Sir, When we reflect upon your past conduct, your just, mild, and tender administration, it heightens the concern we have for your departure, and makes our grief such as words cannot truly express. You have governed well and wisely, like a prudent magistrate, like an affectionate parent; and wherever you go, and whatever station the Divine Providence shall please to assign you, our sincere desire and prayers for the happiness of you and yours shall always attend you. We have seen many governors, and may see more; and as none of those who had the honor to serve in your station were ever so justly fixed in the affections of the governed, so those to come will acquire no mean reputation when it can be said of them that their conduct has been like yours. We thankfully accept the honor you do us in calling yourself our countryman. Give us leave then to desire that you will not forget this as your country and, if you can, make haste to return to it. But if the service of our sovereign will not admit of what we so earnestly desire, and his commands deny us that happiness, permit us to address you as our friend, and give us your assistance when we are oppressed with an administration the reverse of yours."[1]

The career of Governor Hunter after retiring from New-York was comparatively uneventful. After spending some time in England, engaged with his private affairs, he was appointed governor of Jamaica, and died there, May 11, 1734.

THE "SPECTATOR" ON THE VISIT OF THE INDIANS.

It is interesting to note what a sensation was everywhere produced in England by the appearance of these remarkable strangers. Although they were only chiefs, and perhaps not even that, the people soon called them kings, and one of them was invested with the title of emperor, in the popular estimation. Even "the wits of Queen Anne's time" were infected by the universal enthusiasm, and were stimulated to exercise their talents by the visit. On Friday, April 27, 1711, appeared No. 50 of the famous "Spectator," now a classic in English literature. The signature *C.* (one of the letters of "Clio," by means of which his contributions can be identified) shows that this essay was from no less a pen than Addison's. He begins thus: "When the four Indian Kings[2] were in this country about a twelvemonth ago, I often mixed with the rabble, and followed them a whole day together, being wonderfully struck with the sight of everything that is new or uncommon. I have since their departure employed a friend to make many inquiries of their landlord the upholsterer, relating to their manners and conversation, as also concerning the remarks which they made in this country; for, next to the forming a right notion of such strangers, I should be desirous of learning what ideas they have conceived of us." Dean Swift, in a letter dated April 28, 1711, remarks: "Yesterday the 'Spectator' was made up of a noble hint I gave him about an Indian King supposed to write his travels into England. I repent he ever had it. I intended to have written a book on that subject." EDITOR.

[1] William Smith, History of New-York (ed. 1830), 1: 234–236.
[2] One of the natives died on the way over, or shortly after their arrival in England.

VIEW OF NEW-YORK IN GOVERNOR BURNET'S TIME.

CHAPTER V

THE ADMINISTRATION OF WILLIAM BURNET
1720–1728

IF the people of New-York had ever been accustomed to be consulted in the selection of their chief magistrates, it would have provoked them to learn that the proud position of governor of their great province was largely a matter of private barter and arrangement between individuals. Governor Hunter was suffering the tortures of sciatica, and despaired of improving in America.[1] William Burnet had been lightened in purse by his ventures in the South Sea scheme,[2] and wished to replenish his fortunes. The two were warm personal friends. So Hunter agreed to exchange his office of governor for Burnet's less lucrative but more convenient position of comptroller-general of the customs in Great Britain, with a salary of £1,200 per year.[3] Both had sufficient influence at court to secure the ratification of their bargain by the king, and presto! it was done. As an impartial historian remarks: "It unfortunately happened for our American provinces at the time we now treat of, that a government in any of our colonies in those parts was scarcely looked upon in any other light

[1] "I have no hope of Ease on this Side, having try'd all remedys, Christian and Pagan, Palenical, Chymical and Whimsical, to no purpose. Aix-la-Chappelle is all my present Comfort." Hunter to Secretary Popple, New Jersey Archives, 4: 387.

[2] Wynne's "British Empire" (London, 1770), 1: 181; "History of the United States," by James Grahame (Boston, 1845), 3: 99; Smith's "History of New-York" (London, 1776), p. 201.

[3] Smith's "History New-York," p. 201; Douglass's "Summary" (London, 1755), 1: 480; Wynne, 1: 191. New-York paid her governor £1,200 sterling, and New Jersey paid £500 or £600; the perquisites were considerable in both provinces.

than that of an hospital, where the favorites of the ministry might lie till they had recovered their broken fortunes; and oftentimes they served as asylums from their creditors."[1] But it is not too much to say that no American colony had as yet been favored with so excellent an appointment as this of William Burnet to be "Captain General and Governor in Chief of the Provinces of New-York, New Jersey and Territories thereon depending in America, and Vice Admiral of the same." The people were favorably disposed toward him, for it was only five years since the decease of his father, the eminent Gilbert Burnet, Bishop of Salisbury from 1689 to 1715, and they still cherished warmly the memory of the distinguished prelate and statesman who had been so influential in seating William and Mary on the throne of England, and thereby securing to Great Britain a succession of Protestant rulers. The new governor was himself named after the great Prince of Orange, having been born at The Hague in March, 1688, his namesake being the sponsor at his baptism.[2] His early education was supervised by his father and the celebrated philosopher, Sir Isaac Newton, and he also had the advantage of meeting, both at home and abroad, the most eminent men of learning and the principal statesmen and courtiers of the age, and still he confessed that he was nearly twenty years old before his father discovered any promise of intellectual development in him.[3] Although but thirty-two years of age, the young governor was a widower, with a bright little boy of five or six years, named Gilbert, whom he brought with him to America.[4] The king made the appointment April 19, 1720; the instructions were prepared May 4, and submitted to the king May 31;[5] and after various delays Burnet sailed from Portsmouth about July 10, arriving at New-York on September 16. His commission was published the next day, with the usual popular demonstrations.[6] He speedily discovered that the party which had always opposed Governor Hunter had made headway in the interregnum,

1 Wynne, 1: 191.

2 "New-York Genealogical and Biographical Record," 6: 6.

3 Whitehead's "Perth Amboy," p. 156.

4 "New England Historical Genealogical Register," 5: 49; N. J. Archives, 5: 261. His first wife was a daughter of the Rev. Dr. George Stanhope, Dean of Canterbury. "Heraldic Journal," April, 1866, p. 61.

5 Dr. Colden, forty years later, told a curious story about a clerk of the Board of Trade interpolating a word in the instructions. ("New-York Historical Society Collections," 1876. pp. 133, 136, 203; "Documents relating to Colonial History of New-York," 5: 476, 499). But the story was incorrect. Doc. rel. Col. Hist. N. Y., 5: 485.

6 Doc. rel. Col. Hist. N. Y., 5: 536–8, 572, 573; N. J. Archives, 5: 3; 11: 52–4.

and as a shrewd stroke of policy he decided to summon the old assembly again, instead of ordering a new election. This course was contrary to the custom in such cases, and George Clarke, the secretary of the province, at the same time deputy auditor for Horace Walpole, advised against it.[1] However, his course seemed to be vindicated, for when the legislature met in the old Fort George at the Battery on October 13, 1720, he addressed them in a speech admirable in tone, and they promptly responded with an appropriation for "an ample and honorable support for His Majesty's Government for five years," and promised "to make up any deficiencies that by unforeseen accidents might happen to it," and they added this handsome compliment: "We believe that the son of that worthy Prelate, so Eminently Instrumental under our glorious Monarch, William the third, in delivering us from Arbitrary Power, and its concomitants Popery, Superstition and Slavery, has been Educated in and possesses those Principles that so Justly recommended his Father to the Councils and Confidence of Protestant Princes and succeeds our former Governour, not only in Power, but Inclinations to do us good."[2]

The governor urged upon the legislature the importance of resisting the inroads of the French upon the frontiers, of repairing the forts, and putting the militia in the best condition for service. In response they made an appropriation to enable him to repair the fortifications and build new ones, and to provide the ways and means therefor they passed another act levying a duty of two per cent. on all European goods imported into the province, which, as might have been expected, was disallowed by the king. But the most important measure of the session for far-reaching consequences was an act prohibiting the sale of Indian goods to the French.[3] For a century and a half the French had been pushing their religious and commercial influence among the Indians west of Quebec to the Mississippi River, undeterred by any obstacles and allowing nothing to interfere with

[1] Doc. rel. Col. Hist. N. Y., 5: 572, 573, 765; N. Y. Hist. Soc. Collections, 1868, p. 207. George Clarke, an English lawyer, had come to New-York in July, 1703, with a commission as secretary of the province. He was appointed a member of the council in 1715, and sworn in May 30, 1716. (Council Minutes, 11: 352). Horace Walpole having been appointed auditor of the province, in 1718 appointed Clarke his deputy (Ib., 503), who in consequence tried to control the revenues, the object apparently being merely to exact a tribute of five per cent. commission on all the moneys raised. The assembly objected to this, and directed the treasurer to account only to the governor and council and assembly. It is evident that there was considerable friction between the governor and Clarke from the outset. (Cal. N. Y. Hist. MSS., 2: 464, 475.) Clarke was in constant correspondence with Horace Walpole, brother of Sir Robert Walpole, England's great prime minister for so many years. Burnet seems to have relied on the friendship of the Duke of Newcastle, a rival of Sir Robert. (Coxe's "Memoires of Sir Robert Walpole"; Mahon's "History of England," Vol. II.) Thus the internal affairs of the province of New-York were closely intertwined with the intrigues of the ministers at home. When the Duke of Newcastle succeeded in driving Walpole to France and Carteret to Ireland, and assumed the State Office himself, Burnet became judiciously friendly to Clarke, and helped him to secure £2500 commissions on the current revenues of the province and arrears. Doc. rel. Col. Hist. N. Y., 5: 765.

[2] Journal Legislative Council, 1: 451 3. Smith (p. 202) says that the assembly's address was drawn up by Chief Justice Lewis Morris.

[3] Journal Legislative Council, as cited; Doc. rel. Col. Hist. N. Y., 5: 577, 703.

their steady purpose of acquiring control over the savages. French traders came regularly to New-York and bought the bulk of the Indian supplies imported from England—strouds[1] and duffels principally—and carried them to Quebec and thence disposed of them to the Indians, who had been accustomed for generations to look upon Quebec as the principal mart for such goods. In this way the French ascendancy over the Indians was greatly and continually extended. Governor Burnet, with a far-seeing eye, perceived this, and, having the glory of England in view, secured the passage of this act by the legislature, whereby it was absolutely forbidden to sell any such goods to the French upon any terms, under a penalty of the forfeiture of the goods sold and a fine of one hundred pounds. Suspected persons could be put upon oath as to whether or not they had violated the law, and compelled to answer under pain of heavy fines or imprisonment. This was the weak feature of the law, being contrary to all English principles of justice, which did not suffer a man to be forced to criminate himself. There was another aspect of the subject. Under the old system, the trade in Indian goods at New-York was engrossed by a few; by this course he caused it to pass into the hands of many. Furthermore, the Indians became more dependent on the English than formerly. Prior to this it had been usual for nine hundred pieces of "strouds" to be carried in one year from Albany to Montreal,[2] where they had sold at a little over thirteen pounds a piece. After the act, pieces sold at Albany for ten pounds, while the price at Montreal had gone up to twenty-five pounds.[3] No wonder the governor was proud of his great success with this first session of the legislature under his administration.

He was equally successful in New Jersey, where he secured an act providing a five years' support for his government. In thanking the New Jersey legislature, he said in his frank and manly way: "I cannot but acknowledge in the most particular manner the acts for the chearful and honourable support and for the security of his Majesty's Government in this Province. I cannot but say that I look upon the latter as the noblest of the two; as I think honour is always more than riches."[4] The New-York assembly had been unanimous in supporting the governor, but Peter Schuyler (the president of the council), Adolph Philipse, and five others were strenuous for a new assembly, which, after a hot debate, the governor declined to order, and threatened the exposure of Schuyler and Philipse for having violated the king's instructions,[5] whereupon Schuyler and four others asked and were given leave to return to their homes. But the governor immediately wrote

[1] "Strouds,—a woollen manufacture established at Stroud, England." Wynne, 1 : 198.

[2] Douglass, 2 : 258.

[3] Smith's "New Jersey," p. 213.

[4] Smith's "New Jersey," p. 417.

[5] President Schuyler had allowed Philipse to have the custody of the provincial seal. N. Y. Hist. Soc. Collections, 1868, p. 206.

to England, urging that Schuyler and Philipse be removed from the council, and asking that Cadwallader Colden and James Alexander be appointed in their stead, which changes were subsequently (1722) made, in accordance with his request.[1] He also recommended the appointment of Philip Livingston as secretary for Indian affairs, in the place of his father, Robert Livingston, who by reason of his advanced years desired to have this change made. Robert Livingston was speaker of the assembly, and had been of great help in the session just closed, which was another reason why Burnet wished to accede to his request. This also was done.[2] In Dr. Colden and James Alexander he secured two of the ablest men in the province for supporters of his administration, and at the same time relieved the council of two of the most influential of the disaffected party.

G Burnet

The legislature had adjourned till March; but when that time came around the governor was otherwise occupied, and he adjourned them again till May 19. How he was engaged appears by a letter of Isaac Bobin under date of March 11, 1721: "There is great talk of His Excellency and Miss Mary Van Horne, the eldest daughter of Abraham Van Horne;"[3] and on May 17, he writes that there were "great preparations for the match so much talked of."[4] The wedding took place shortly after, and undoubtedly was a brilliant affair. Anna Maria Van Horne, the bride, was a beautiful girl of nineteen, having been baptized January 28, 1702. She was the oldest child of Abraham Van Horne and Mary Provoost (daughter of David Provoost). Mr. Van Horne was one of the wealthiest merchants of New-York, and lived in Wall street, where he had a storehouse and a bolting- and baking-house. He was a representative of the old Dutch stock, and had difficulties with the English language all his life, which, however, troubled others more than himself.[5] Notwithstanding this deficiency, his son-in-law recommended him (June 17, 1722) to a seat in the council, in the place of Abraham De Peyster, then incapacitated, and the sturdy old Dutchman sat there with his ancient friend, Rip Van Dam, until his death in 1741.[6] This alliance brought the governor into connection with many

1 Doc. rel. Col. Hist. N. Y., 5 : 578, 579, 647.
2 Ib., 580, 647.
3 N. Y. Hist. MSS., 2 : 459.
4 Ib., 460.
5 Doc. rel. Col. Hist. N. Y., 5 : 886.
6 Doc. rel. Col. Hist. N. Y., 6 : 209; N. Y. Gen. and Biog. Record, 6 : 6.

of the oldest families in the province, and ought to have strengthened his position materially, if he had had the policy to avail himself of the opportunity. But policy, beyond an honest desire to serve the interests intrusted to him, he did not possess.

In pursuance of his plan to secure the Indian trade, the governor caused a council to be held at Albany on September 7, 1721, which was more numerously attended by the Indians than any previous assembly of the kind in many years.[1] He spent several days among the Indians before the actual council was held, and by his affable and winning manner secured their good will. At the meeting he urged them in the strongest language to break their connections with the French, and to trade only with the English. The wily Indians were non-committal in their reply on that subject, but concluded with this sly hint: "We are informed that your Excellency is Marryed at New-York, We beg leave to acquaint you, that We are glad of it, and wish you much Joy And as a token of our Rejoycing We present a few Beavers to your Lady for Pin Money, And say withall that it is Customary for a Brother upon his Marryage to invite his Brethren to be Merry and Dance." The governor good-naturedly took the hint and ordered them some barrels of beer, "to be merry withall and dance, which they did according to their Custom and were extreamly well Satisfied."[2] The Indians addressed the governor as "Corlaer," giving him the name of Arent Van Corlaer, the first representative of the whites with whom they had treated before; and as they held him in high esteem, they bestowed the same name as a compliment upon the successive governors of New-York.[3] In the meantime the governor had established a trading-station at Tirondequat, on Lake Ontario, in charge of eight gallant young men under the command of Peter Schuyler, Jr., son of the ex-president of the council, and they sold goods to the Indians for half what the French had formerly charged, whereby the English ascendancy was promoted over their Canadian rivals.[4] The admirable training these young men and their successors and associates received in their hazardous enterprise was of great value to the colonists in after years, when just such experience was needed

1 Doc. rel. Col. Hist. N. Y., 5: 632.

2 Ib., 640, 642, 666.

3 Ib., 3 : 558. The Indians called the governors of the several provinces by the name given to the first of them with whom they had treated. Thus, as just noted, Arent Van Corlaer gave a name to all succeeding governors of New-York. The governor of Maryland was called by the Indians "Assarigoe," signifying a cutlas, which name was given to Lord Howard in 1684, from the Dutch word "Houwer," a cutlas. (Council Minutes, 12 : 365; Doc. rel. Col. Hist. N. Y., 5 : 670.) (*De Houwer*, a cutter, also a broadsword. *Sewel's English-Dutch Dictionary*, Amsterdam, 1691.) The governor of Pennsylvania was called "Onas," the Indian for feather or pen, a translation of William Penn's name. (Council Minutes, 12 : 368; Doc. rel. Col. Hist. N. Y., 5 : 679.) In 1768 the Indians bestowed upon the governor of New Jersey (William Franklin) the name "Sagorighweyogsta," meaning the "Great Arbiter or Doer of Justice," in recognition of his and his people's justice in putting to death some persons who had murdered Indians in that province. (Doc. rel. Col. Hist. N. Y., 8 : 117.) On this subject see Sparks's "Washington," 2 : 47, note; "Historical Magazine," December, 1868, p. 316.

4 Doc. rel. Col. Hist. N. Y., 5 : 662.

in their dealings with the hostile French Indians.[1] Burnet persuaded the Indians "to open a broad path and sweep it clean for the far Indians to come through to Albany," and he was extremely gratified when twenty of them came thither in the spring of 1722, and still more so when in the ensuing June eighty, besides women and children, arrived there after a journey of more than a thousand miles.[2] These Indian conferences were quaint and picturesque, as well as important. At first they were attended only by the Mohawks, Oneidas, Onondagas, Cayugas, and Senecas, composing the confederation known as the Five Nations. According to Horatio Hale, this confederation of savages established what is now one of the oldest republics in the world, dating back to a period four hundred years ago, when that most remarkable lawgiver, Hiawatha, brought about the union on the basis on which it has been maintained to this day. The annual election of representatives from the various nations to the council of the confederation still takes place in the manner prescribed by him, and the several delegates still bear the official names by which he designated them before Columbus first saw the shores of the New World.[3] The Tuscaroras having become involved in war with the whites in the Carolinas, where they dwelt, came north in 1714, and were received by the Five Nations, and in the course of time joined the confederation as the Sixth Nation.[4]

MRS. WILLIAM BURNET.

The Indians were never in a hurry, and it was usually some days before they could be induced to settle down to business. Burnet occupied this time in going among them and becoming acquainted with their leaders. The conference being at last opened, Lawrence Claese appeared as interpreter, translating the Indian language into

1 Doc. rel. Col. Hist. N. Y.. 5 : 641; Smith's "New-York," p. 219. In that charming work by Mrs. Grant, of Laggan, "Memoirs of an American Lady" (London, 1808), 1 : 76–87, is a graphic description of the toils and dangers of the young Americans who set out on trading expeditions from Albany through the trackless waste.

2 Doc. rel. Col. Hist. N. Y., 5 : 684.

3 "The Iroquois Book of Rites" (Philadelphia, 1883), pp. 21–39; Morgan's "Systems of Consanguinity and Affinity of the Human Family," p. 151; Heckewelder's "Indian Nations" (edition of 1876), p. 56. It should be noted, however, that in the "Journal of American Folklore," 4 : 295–307. W. M. Beauchamp, in a critical review of the accounts of Hi-a-wat-ha, concludes that he must have lived, if at all, not earlier than A. D. 1600.

4 Doc. rel. Col. Hist. N. Y., 5 : 387, 684.

Dutch, while Robert Livingston, the venerable secretary for Indian affairs, translated from Dutch into English, and vice versa. The savages have always been noted for the poetic and felicitous imagery in which they clothe their ideas. In expressing their wish to be on friendly terms with the whites they said (and we can only guess how much of the poetry has been lost in the translation into Dutch and then into English): "Wee were here before the Christians Came Being the Antient Inhabitants of those parts and when the Christians first came we made a Covenant with them which was but of bark but afterward the English Comeing to have the Government of those Countries we made a Covenant Chain of Silver that the thunder itself could not break it."[1] And again: "When the Christians first came to this Country our Ancestors fastened the ship that brought them behind a Great Mountain with a Chain in order to secure the same which mountain lyes behind the Sinnekees Country, so that the one end of the Chain, being fastened there and the other end at ye Ship, if any body would steal away and molest this ship the chain will jingle & make a noise & alarm all the 5 Nations who are bound to defend this ship."[2] At another conference Governor Burnet hinted at the desirability of brightening the covenant chain, whereupon they declared: "We make it clean to keep the same bright and wrap beaver Skins about it, that it may not rust."[3] "Since a Chain is apt to rust, if it be not oiled or greased we will grease it with Bevers grease or Fatt y^{t} the smell thereof will endure for a whole year."[4] The governor was free in giving the Indians excellent advice — not to spend their money in strong drink, but to lay it out on clothing and other necessaries for their support.[5] But when he asked them to assist him in discovering persons guilty of violating the new law forbidding the sale of Indian goods to the French, they, with a shrewd and amusing affectation of simplicity, replied: "We are peaceable People & inclined to Peace & if we should intermeddle in any such matter, we should but create ourselves a great many enemies & therefore desire to be excused."[6]

By this conference Burnet learned more of their wants, and how they were robbed by the traders at Albany, who took them into their houses and plied them with drink before buying their peltries. So the governor had an act passed by the legislature in 1723 providing for the erection of two large wooden houses for the special accommodation of the Indians, where trade with them was carried on publicly.[7] He also used his personal influence to induce the traders to treat the Indians more fairly, and to sell them goods more reasonably, whereby a great improvement was brought about in the relations between the

1 Doc. rel. Col. Hist. N. Y., 5 : 562.
2 Ib., 667.
3 Ib., 799.
4 Ib., 663.
5 Ib., 663.
6 Ib., 668.
7 Ib., 701; "Journal of Legislative Council," 1 : 504, 506, 533.

English and the savages. Nor did he overlook the importance of protecting the whites, and the legislature took measures for the renewal of the stockades about Albany and Schenectady, which had been allowed to fall into decay, and authorized the Albany authorities to build two new block-houses for the better protection of that frontier town.[1] But the governor's statesmanlike plan for securing to the English the absolute control of the Indian trade aroused the opposition of the British manufacturers and the New-York merchants, who had engrossed it to themselves. They feared that the French would secure their supplies from other quarters, and that New-York would lose the profits it had so long enjoyed. So these merchants and their British friends drew up a strong remonstrance, urging the king to disallow the act. They claimed that in consequence of it trade had fallen off in New-York, both in imports and exports; that the supply of beaver-skins was but half what it had been before the passage of the act; that the price had gone up twenty-five per cent.; and that importations into the province had been greatly reduced. These representations being transmitted to Governor Burnet, he laid them before the council, and Dr. Colden and Mr. Alexander were charged with the preparation of a reply, which was adopted by the council. In this able and admirable report they refuted most of the facts alleged, and the arguments adduced by the remonstrants.[2] The lords of trade deemed a compromise advisable. They recommended that the act be disallowed on account of the feature compelling persons to answer under oath, under a penalty of one hundred pounds, whether or not they had violated the law. They approved of the design of the act, and recommended that the governor should be instructed to secure the passage of a new bill, omitting the objectionable feature referred to.[3] It was a great triumph for the governor, and he exulted not a little over it. As the king took no action on the report of the lords of trade, and as the act expired by limitation, the legislature in 1726 passed another act, on the governor's recommendation, he having come to an agreement with the people of Albany on the subject, whereby it was provided that a duty of thirty shillings should be laid on every piece of "strouds" carried to Canada, and one of only fifteen shillings on each piece sent from Albany to Lake Ontario, thus giving the English traders a great advantage over their French competitors, and encouraging the Indians to continue coming to Albany for supplies.[4] So much space has been given to this subject because it was the favorite project of the governor during his administration. It was a great thing for the province; of vast

[1] Doc. rel. Col. Hist. N. Y., 5: 631, 782; Journal of Legislative Council, 1: 470–1.
[2] Smith's "New-York," pp. 207, 221.
[3] Doc. rel. Col. Hist. N. Y., 5: 708, 739, 757, 763.
[4] Doc. rel. Col. Hist. N. Y., 5: 778.

importance to New-York City; and yet to this policy, so successfully carried out, was largely due the ultimate removal of Burnet from this government.

While the handsome young governor was thus enforcing his Indian policy, he was not unmindful of the duties resting upon him in other lines. Of a genial nature, extremely sociable in disposition, he readily entered into the social life of the little town. This centered in Fort George,[1] at the Battery, where the governor lived in state in his mansion; where the King's Chapel stood, which had been built on the ruins of the original Dutch church erected nearly a century before, and whence pealed forth the tones of the bell alike for weddings, for funerals, and for public occasions in general. At special entertainments the governor's charming lady would bring out the silver-and-gilt tea-service presented to his father by the Princess Sophia in recognition of his services in bringing about the Protestant succession.[2] According to the old custom observed since the days of Peter Stuyvesant, he received calls on the 1st of January after his arrival.[3] There was much gaiety in the queer little cosmopolitan town in those days. The members of the legislature frequently gathered at the "Widow Post's" after a day's session, to discuss the public affairs over a glass of wine,[4] and gentlemen would sometimes meet at a friend's house "to hear some good Musick, and to take a Tiff of fresh Lime Punch," or something stronger.[5] Secretary Clarke was one of the few citizens of the town who indulged in the luxury of a spinet, which he bought in September, 1723, just as if a little girl who arrived in his family at the same time could not furnish music enough for his house![6] Mr. Clarke displayed various signs of wealth in those days, for in addition to the spinet and a negro servant he bought his wife blue, purple, and green silk stockings a few months later.[7] Some of the worthy Dutch *vrouws* continued to own a multiplicity of petticoats, after the fashion of their mothers, as chronicled by Diedrich Knickerbocker. In 1730 the widow of Francis Philipse was the proud possessor of a red silver-laid petticoat, a red cloth petti-

1 In 1721 the fort had four regular bastions, faced with stone, and mounted with fifty cannon, but had neither ditch nor outworks. (Doc. rel. Col. Hist. N. Y., 5 : 602.) Repairs were made in 1724, and new apartments fitted up in 1725–6, but in the latter year the roof of the chapel and the barracks were still in a ruinous condition. "Journal Legislative Council," 1 : 489–93, 507, 519, 536, 539.

2 Cadwallader Colden, N. Y. Hist. Soc. Coll., 1868, p. 217.

3 Calendar N. Y. Hist. MSS., 2 : 458.

4 Ib., 485.

5 Ib., 486.

6 Ib., 480.

7 Ib., 482. Some of Mr. Clarke's purchases show the cost of living in those days: "38½ gals. molasses, at 2s. per gal.; 3 gals. whale oil, at 4s.; 3 bush. salt, at 3s. 6d.; piece of striped silk muslin, at 5d., 'bought at Mrs. Frank's'; piece brown ozanbrige, 9t. 55 ells, at 18d.; a doz. pd. of chocolate at 22s.; 12 lbs. soap, at 7s. 8d.; 4 bottles lime juice, 11s.; 2 bbls. 'lamb black,' 1s.; 1 pr. silk stockings, 19s.; 6 yds. calico, 1s. 6d.; a pr. of 'Cizors,' 1s.; 12 gals. rum, 4s. per gal.; 2 bbls. stale beer, for workmen, £1 16s. per bbl. 'Retgers says it is extraordinary good beer and y^r racking it off into other Barr^ls would flatten it and make it Drink Dead.'" The chocolate was bought at Dugdale's; it had gone up from 20s., owing to an advance in cocoa; the soap and starch "were bought at one Pelletreau's next to Mr. Jordain's." (N.Y. Col. MSS., 42 : 61, 107, 119, 120.) "I sent by Riche Mr. Hyde's [a relative of Mrs. Clarke] Wigg; the price is 4. 10s.; he'll take it again if not approved at that price." Ib., 120.

coat, a silk quilted petticoat, two black silk quilted petticoats, and a splendid psalm-book with gold clasps and gold chain whereby she hung it upon her arm. About this time, too, window-hangings of camlet, colored harrateen, and other expensive goods came into use in the more pretentious houses; also japanned tea-tables, gold-framed looking-glasses, tall eight-day clocks, and other evidences of increasing wealth. Pewter ware was still more common than china. William Smith had been the first private individual to set up a coach (1704), but at this time there were several of them besides the great state coach of his Excellency the governor.[1] Two-wheeled chaises for one horse were the most common vehicle for riding then and for many years after.[2] On pleasant summer evenings everybody assembled on the front *stoep* and chatted with his neighbors and with passers-by — a charming custom revived of late years in the wonderful and progressive metropolis of the great West. Well-to-do people kept excellent tables laden with great varieties of fish, flesh, fowl, and vegetables. The ordinary beverages were beer, cider, punch, and Madeira.[3] Balls and sleigh-rides were the favorite amusements in the winter; in the summer, boating and driving parties. An advertisement from the "American Weekly Mercury" for March 23, 1727, indicates that goldsmiths flourished in the town:

TOMB OF DAVID PROVOOST, IN JONES'S WOOD.

This is to give Notice to all Gentlemen and others, That a Lottery is to be drawn at *Mr. John Stevens* in *Perth Amboy*, for £501 of Silver and Gold Work, wrought by *Simeon Soumain* of *New-York*, Gold-Smith, all of the newest Fashion. The highest Prize consists of an Eight square Tea-Pot, six Tea-Spoons, Skimmer and Tongues, Valued at £18 3s. 6d. The lowest Prize consists of Twelve Shillings Value. There is 278 Prizes in all, and there is only five Blanks to each Prize. Tickets are given out

[1] Edward Bromhead, who officiated as the governor's coachman for some years, appears to have managed to make a lucrative position out of it, as he acquired a snug little property in the city and in Ulster County. Calendar N. Y. Hist. MSS., 2 : 504.

[2] "Valentine's Manual," 1858, pp. 501 - 11.

[3] Burnaby's "Travels," p. 87.

at Six Shillings York Money, or Seven Shillings Jersey Money for each Ticket, at the House of *Mr. John Stevens* in *Amboy*, at *Mr. Lewis Carrees* in *Allens Town*, at Mr. *Jolines* in *Elizabeth Town*, at *Mr. Cortlands* at *Second River*,[1] by Mr. *Andrew Bradford* in *Philadelphia*, at Mr. *Samuel Clowse* in *Jamaica* on *Long Island*, and by *Simeon Soumain* in the City of *New-York*, at which last Place the Goods so to be drawn for are to be seen. And the said Goods are to be valued and appraised by Mr. *Peter Van Dyke*, and Mr. *Charles Le Reux*, two Gold-Smiths in the City of *New-York*. And said Lottery is to be drawn the 22d day of *May* next, Anno 1727. If said Lottery be full sooner, it will be drawn before the 22d of *May next*.

The people were fond of amusements, as just said, balls and sleighing in winter; in the summer, boating and driving parties. A favorite resort for the latter was the Fresh Water Hill,—adjacent to the present Chatham street, south of Pearl street,—on the summit of which Francis Child kept a public house, with pleasure-gardens attached. The wells of the town afforded such poor water that it was scarcely fit to drink, and strangers were often made ill by it. At the upper end of the present City Hall park was a large body of fresh water, fed by innumerable springs. One of these springs was so abundant, and the quality of the water so superior, that it was in universal demand from all parts of the town for making tea; so a huge pump was placed over it, and men came thither with carts and carried away the water to sell it about town to the good housewives for the brewing of the cup that "cheers but not inebriates." Hence the name, "Tea Water Pump," which lingers in the memory of some of the oldest inhabitants to this day.[2] The outlet from the Fresh Water, or Kalck Hoeck, corrupted into "Collect," flowed across Chatham street, and was spanned by a bridge, and as it became the recognized custom for a gentleman driving over this bridge with a lady to salute his companion, it was known as the "Kissing Bridge."[3] Races took place in the neighborhood, it being pretty well out of town. Of course, it sometimes happened that parties of young people who went out driving beyond the town got belated on their return, and were obliged to pass the night at some wayside house where there was scanty supply of separate rooms, in which case they "bundled," after the fashion of the time, and not infrequently with results that finally brought that queer practice into disrepute, and which Jacob Vosburgh, in a letter to Governor Burnet in 1723, characterizes, with a feeling excusable under the circumstances, as a "wicked and base custom of those parts."[4] The old Dutch families still kept up the custom of sending out printed invitations to funerals, on sheets about the size of this page. Everybody drank. Rum figured largely in the

[1] Now called Belleville, near Newark, New Jersey.

[2] Valentine's Manual, 1865, pp. 605–12.

[3] Burnaby's "Travels" (ed. 1798), p. 87.

[4] Calendar N. Y. Hist. MSS., 2: 480. Although the custom referred to prevailed among the Dutch of New-York and New Jersey within half a century, the writer has found very few of the old people who were willing to admit that they ever "bundled" in their young days, or that they had ever known anything about the practice.

imports into the province. In 1724 it sold at two shillings and ninepence a gallon. In 1726 Isaac Bobin and George Clarke owed "£13 10 shillings for half a pipe of wine."[1] Of course the governor kept a goodly stock of wines and liquors in the ample cellars of his mansion in the fort; nevertheless, when Governor Spotswood of Virginia came to New-York in his Majesty's ship Enterprize, on his way to attend the Indian conference at Albany in the fall of 1722, he brought his own liquors with him,—whether because he doubted the quantity or the quality of the New-York supply is not known,—and he asked Governor Burnet and his council to admit his liquors free of duty, which of course they did;[2] and, although the record is silent on that head, it is a safe guess that they all sampled the Virginia governor's choice without delay. A different sort of petition came before the same body on May 15, 1724, when Captain Peter Solgard, of his Majesty's ship Greyhound, informed the council that the navy had refused to furnish rations of rum to shipwrights and calkers employed in refitting his Majesty's ships in the plantations, and the men refused to work without it, wherefore he asked leave to impress such as he needed. But the council concluded that such a course would drive the workmen out of the colony, to the great damage of the merchant service, especially as the men employed on merchant vessels were paid six and ninepence per day (ninepence more than in the navy), and were given their usual allowance of rum besides.[3] How the English captain managed to get his vessel refitted does not appear.

Slavery prevailed, with its attendant evils. Labor was scarce, which was the excuse for stealing the natives from their homes in Africa and bringing them to New-York, to be sold like cattle. The price ranged from forty to seventy-five pounds. Thus, in 1720, Captain Hopkins offers a negro for fifty pounds; in 1723 Captain Munroe is willing to sell his "negro wench, 17 years old, warranted sound in limb, a native of Jamaica, for £45." Mr. Chaloner offers a "negro wench for £45, 20 years old, sound of limb," and with the promise of supplying her owner with another human chattel in the course of three months. William Fraser, of Richmond County, is closing up an estate, and offers a negro man and wench for sale, for fifty and sixty pounds respectively. Robert King, of Perth Amboy, offers to sell George Clarke a negro wench for fifty pounds,[4] while Dr. Dupuy wants fifty-five pounds for a negro wench nineteen years old, whom he had brought up from infancy. The poor girl did not like to be sold, he said, but he sent her to Mr. Clarke "on approval," with the caution: "she will pretend not to know anything, but she must not

[1] Calendar N. Y. Hist. MSS., 2: 489, 497.
[2] Council Minutes, 13 : 365.
[3] Council Minutes, 14 : 296.
[4] Calendar N. Y. Hist. MSS., 2 : 454, 476, 477–481.

be believed." Three years later Mr. Clarke is anxious to sell a negro woman, "as she has a great itch for running away." So it is probable that the girl could not be tamed into submission. Ex-Sheriff Harrison, of Perth Amboy, wants seventy-five pounds for a negro wench and child four years old.[1] The importations of slaves into New-York were, for the years named: 1720, eighty-one; 1721, one hundred and ninety-three; 1722, one hundred and six; 1723, eighty-two; 1724, sixty-one; 1725, one hundred and thirteen; 1726, one hundred and eighty.[2] The newspapers of the day contain numerous advertisements offering rewards for runaway slaves, who are described as if they were, horses or mules, with all their peculiar "marks." There was a white slavery in those days, too. In 1723 a white woman and her husband, from New England, who had been burnt out by the Indians, offer themselves for hire for a term of years.[3] Dr. John Browne, "in York Road, West Jersey," in 1726 offers forty shillings reward for the return to him of "a servant Woman, named Sarah Parler or Sartin, supposed to be Inveigled or Conveyed away by one Richard Sartin, who served his Time at French Creek in Pennsylvania, at the Iron Works, who pretends that he is her Husband, but is not; she is a little thin Person, having on a Calico Gown strip'd with Blue, or a black and white one of Woole and Worstead, a new Bonet, and other tolerable good Cloaths."[4] In the same year John Leonards, "at South river bridge near Amboy," gleefully announces that a negro had been forced by starvation to come to his house, and he holds him till his owner shall come and pay a reward "and also reasonably for his Diet till fetched."[5] Men and women sold themselves for terms of years for their passage to this country; or when misfortunes befell them here, they sold themselves until they could gather a little money. The negro slave-market in New-York was established in 1709 at the foot of Wall street, where it was in Governor Burnet's time.[6] Many of the planters, with questionable liberality, allowed their slaves one day in the week to work for themselves, on condition of their feeding and clothing themselves! Some

EAST RIVER, BETWEEN JOHN STREET AND PECK SLIP.

1 Calendar N. Y. Hist. MSS., 2 : 481, 496.
2 Doc. rel. Col. Hist. N. Y., 5 : 814.
3 Calendar N. Y. Hist. MSS., 2: 481.
4 "American Weekly Mercury" (Philadelphia), August 25, 1726.
5 Ib., July 14, 1726.
6 Valentine's Manual, 1865, p. 559.

allowed all Saturday, some half of Saturday and half of Sunday, and some only Sunday. The negroes were assured that they had no souls, and perished as the beasts.[1] Their punishments were barbarous. They were burnt at the stake, broken on the wheel, or hung alive in chains to endure a lingering, horrible death by slow torture.[2] Their dead were buried in a field set apart for the purpose, on the north side of the present Chambers street, just opposite the new Court House, at night, by their own people, without any Christian offices, but usually with some superstitious rites they had brought from Africa.[3] These weird assemblies by night being calculated to stir up the negroes to acts of violence, in 1722 the city authorities ordained that thereafter negroes and Indian slaves dying within the city, on the south side of the Fresh Water, should be buried by daylight, and before sunset. It was also ordained that any negro or Indian, slave or free, convicted of gaming or playing in the streets or elsewhere for money, should be publicly whipped at the whipping-post, unless the master or owner of any such slave should pay a fine of three shillings.[4] The whipping-post, pillory, and stocks stood in Broad street, a little below the City Hall, which was on Wall street, where the United States Subtreasury now stands; the jail was in the basement of the City Hall; by 1724 it had become so unfit for the purpose that the judges complained of it; in 1727 it was presented by the grand jury, in consequence of which four men were appointed to watch it to prevent escapes.[5] In July, 1727, it was ordered that a public gallows be erected on the Common, at the usual place of execution—at the upper end of the present City Hall park. In 1720 it was ordained that no brickmakers or charcoal-burners should cut down any trees upon the commons for burning bricks or making charcoal.[6] There was no poorhouse, the poor being cared for at their homes, by private charity or by the vestry. Every person relieved wore a badge of blue or red conspicuously on the sleeve, marked "N. Y."[7] There was a market-house on Pearl street, between Wall street and Exchange Place, while the Custom House of that day was on the same street, between Broad and Whitehall streets.[8]

The little town was advancing in the matter of street improvements. The residents on Broadway had been given leave in 1708 to plant trees in front of their premises,[9] giving the street a pleasant aspect, especially in summer. The property-owners on the principal streets were required to pave the streets with cobblestones for a distance of

1 "Historical Account of the Incorporated Society for the Propagation of the Gospel," by David Humphreys (London, 1730), p. 238.
2 Doc. rel. Col. Hist. N. Y., 5: 341.
3 Humphreys, as cited, p. 238.
4 Valentine's Manual, 1858, p. 566.
5 Valentine's Manual, 1862, pp. 539, 553.
6 Ib., 1858, pp. 565, 567.
7 Ib., 1862, p. 658.
8 Ib., 1850, pp. 443, 446.
9 Ib., 1850, p. 446.

ten feet from their line, leaving the middle unpaved.[1] The population was increasing steadily. In 1712 it had been 5840; in 1723 it was 7248; and in 1731, 8622.[2] Property-owners began to develop their lands, to meet the increasing demand for building-lots. About 1720 Trinity Church began to lay out the south part of the "King's Farm" into lots.[3] The block bounded by Whitehall, Pearl, Moore, and Water streets had been used for many years as an open market-place where the country wagons stood, and the vacant space in front of the fort was used as a public parade and for meetings, bonfires, and other public demonstrations. Stephen Richards, Jacob Leisler, Obadiah Hunt, Benjamin Wynkoop, Robert Crook, Thomas Roberts, Paul Richard, and Isaac De Peyster, Sr., living near the south-east bastion of the fort, presented a petition to the governor and council, June 15, 1724, setting forth that the old market-house had fallen down and that the dock adjoining had become filled up by the rubbish of the city, and that the magistrates of the city proposed to lease the ground in building-lots for the term of forty-one years, which the petitioners claimed would be greatly to their injury, and that the buildings would obstruct the range of the cannon in the fort. Dr. Colden, as surveyor-general, sustained the correctness of this latter objection, and the council stopped the proposed improvement.[4] In 1732 the old market-place was leased to some public-spirited citizens, who laid it out and inclosed it for a bowling green.[5] In 1722 the first steps were taken toward extending the shore-line of the Hudson River front out to deep water, but the property-owners were indifferent, and it was several years before the present Greenwich and Washington streets were laid out. There were more signs of improvement on the East River front. On January 18, 1722, the council received a petition from Garrit Van Horn, John Read, Thomas Bayeux, Stephen Richards, Thomas Clarke, Rip Van Dam, Jr., Henry Cuyler, and Peter Breasted, asking for letters patent to extend the wharves upon the shore of the East River from Rip Van Dam's corner at the lower end of Maiden Lane to the corner of Thomas Clarke. The mayor, Robert Walters, in behalf of the city, objected, but the council, after several hearings, granted the petition and ordered that a street forty-five feet wide be laid out on the shore-front, to be called Burnet's street (now Water street, between Wall and

PROVOOST ARMS.

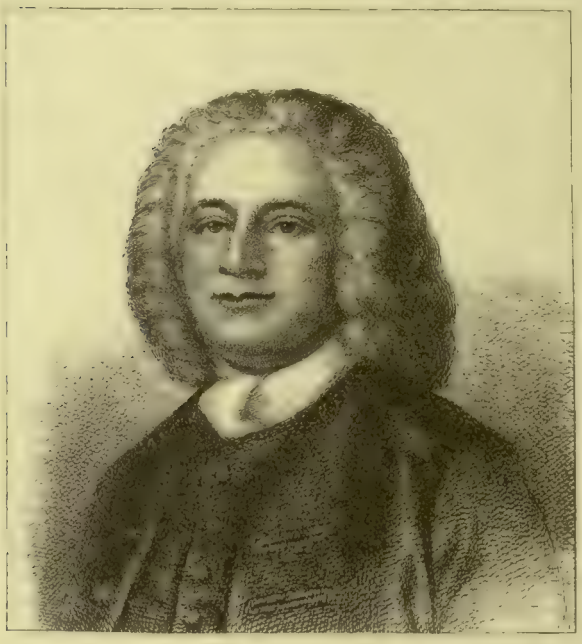
[1] Valentine's Manual, 1862, p. 533.
[2] Ib., 1851, p. 352.
[3] Valentine's "History of New-York," p. 286.
[4] Council Minutes, 14 : 306, 325; Calendar N. Y. Hist. MSS., 2 : 488; Valentine's Manual, 1862, 511–12.
[5] Valentine's Hist. N. Y., p. 286.

John), and that the new dock be called Burnet's key.[1] The development of the town is also indicated by the numerous sales of real estate. In 1719 the Presbyterians bought a plot 88×124 feet on Wall street, near Broadway, for which they paid Abraham De Peyster and Nicholas Bayard £350. In 1720, a lot on the northeast corner of Maiden Lane and William street, twenty-five feet on William street and forty-five feet on Maiden Lane, sold for $193; two houses and lots on the northwest corner of Broad and Stone streets, fronting on Broad street, 51½ feet front, 42 feet deep, $1250. In 1721, house and lot in Wall street, 32×150 feet, $850; two lots on Broadway, 50×160 feet, $293. In 1722, lot on the present Rose street, 25×100 feet, $25. In 1723, two lots on the north side of Beekman street, north of William street, $125; lot on Beekman street, next to the corner of Gold street, 23×100 feet, $80; lot on the southeast corner of Beekman and Cliff streets, 25×75 feet, $125. In 1725, four lots on the northwest corner of Frankfort and Vandewater streets, one hundred and forty feet on Frankfort street and one hundred feet on Vandewater (then Duke) street, $150. In 1726 the Dutch church paid £575 for the plot on Nassau street, whereon they built their new church.[2] A lot on the north side of John street, 25×100 feet, sold for $200; a lot on the east side of Broadway, 24×161 feet, $97; and a house and lot on the west side of Broadway, 70×50 feet, $1100. In 1727 two lots on Spruce street and two on Gold street, $225; a lot on the north side of Maiden Lane, 25×147 feet, $250; and a lot on John street, 35×100 feet, $125.

The commerce of the port grew slowly but steadily, about 215 to 225 vessels clearing out yearly. From 1717 to 1720 the imports averaged £21,254 yearly, and the exports £52,239. From 1720 to 1723 the imports remained the same, while the exports increased an average of £2300 yearly; from 1723 to 1727 the imports averaged £27,480 per annum, and the exports £73,000.[3] One obstacle to the growth of commerce was the frequency with which merchant vessels were captured on the high seas by bloodthirsty pirates, who cruised offshore, and often had the temerity to sail up to the very port of New-York. The newspapers of the day are full of reports of encounters with these daring sea-robbers. For example: the crew of one vessel arriving in New-York in 1723 told how they had been boarded by pirates, who plundered the vessel, "cut and whipped some of the men, and others they burnt with Matches between the Fingers to the bone to make them confess where their Money was, they took to the value of a Thousand Pistoles from Passengers and others, they then let them

1 Council Minutes, XIII: 2–116. 2 Now occupied by the Mutual Life Insurance Company. The new church was built in 1729. 3 Doc. rel. Col. Hist. N. Y., 5: 618, 761, 897.

go." "The Pyrates gave us an account of his taking the Bay of Houdoras from the Spaniards, which had surprised the English and taking them, and putting all the Spaniards to the Sword Excepting two Boys, as also burning The King George, and a Snow belonging to New York, and sunk one of the New England Ships, and cut off one of the Masters Ears and slit his Nose, all this they confessed themselves, they are now supposed to be cruising off of Sandy Hook or thereabouts."[1]



Wm Smith

Sometimes vessels arriving in the port brought an enemy on board, as was the case of the brigantine Hopewell, from Madeira, which arrived in port on the night of May 25, 1725, with a number of people afflicted with smallpox, of which one person had died. It appeared that Henry Fuller, the mate, who was ill with the disease, had come ashore, and the high sheriff was ordered "to go to one Goelets, a Painter, in Maiden Lane, and there to search for the said Henry Fuller and to Convey him on Board the said Brigantine." The sheriff found difficulty in executing the warrant, owing to the natural timidity of his constables about exposing themselves to infection, so the council desired Colonel Riggs, the commander at the fort, to send four of his best men to assist in removing Fuller. Messrs. B. Rynders, John Van Horne, and Stephen De Lancey, owners of the Hopewell, asked that the crew and their bedding might be put on Bedlow's Island, but the council concluded that the vessel should anchor in the channel between Bedlow's Island and Buckett Island, at the same time prescribing a code of signals for communication between the vessel and the shore in cases of necessity, until the brigantine should be free from infection. The ferrymen on each side of the Narrows and all the pilots belonging to the port were directed to acquaint all

[1] "American Weekly Mercury" (Philadelphia), June 6, 1723.

incoming vessels that the Hopewell was "performing quarantine" at Bedlow's Island.[1]

The jurisdiction of the governor and council was exercised over a curious range of subjects. September 30, 1720, Henry Smith was given a commission to seize all drift whales on the coast of Suffolk County.[2] December 7, 1720, Mary Barnet, of Staten Island, widow, petitioned for leave to ask and receive voluntary assistance from the benevolent, her house having been burned;[3] and on the 23d of the same month Edmund Hawkings, mariner, petitioned "for a brief to obtain relief from the charitable, he having lost his sloop by fire off Whitestone, Long Island."[4] The Presbyterians, having secured a site for a church, petitioned, September 19, 1720, for incorporation, but were refused, for lack of a precedent.[5] May 17, 1721, a license was granted to James Cooper & Company to take whales, they paying one twentieth of the oil and whalebone.[6] To encourage various enterprises, monopolies were frequently granted. In 1720 the Legislature passed an act granting to Robert Lettice Hooper and his assigns a monopoly for refining sugar. In 1725 Hooper styled himself "sugar refiner," but having failed to live up to the terms of his privilege, an act was passed in November, 1727, repealing his monopoly.[7] In 1724 an act was passed giving to Susannah Parmyter, widow, and her assigns, the exclusive right of making lamp-black for ten years.[8] William Bradford, the printer, asked for a like monopoly for the manufacture of paper for fifteen years, but the powers that were had no great love for the newspaper press, and his petition was not granted.[9] In 1726 Lewis Hector Piot De Langloserie was by act of the legislature given the sole right to catch porpoises in the province of New-York.[10] The progress made toward reclaiming the wilderness adjacent to the city is indicated by the passage of an act in 1723 withdrawing the bounty previously offered for the capture of wild cats, although three years later it was deemed necessary to again offer bounties for the destruction of foxes and wild cats in Queens County. It was still customary to allow swine to run at large during the winter, picking up their subsistence in the woods, but by the year 1722 it was thought necessary to pass an act restricting this practice in the counties immediately around New-York, and in 1726 Saratoga received the same protection. In

[1] Council Minutes, 14, *et passim*; Calendar N. Y. Hist. MSS., 2: 492.

[2] Cal. N. Y. Hist. MSS., 2: 455.

[3] Ib., p. 457.

[4] Ib., pp. 457, 458.

[5] N. Y. Doc. Hist., 3: 278–281; Calendar N. Y. Hist. MSS., 2: 454.

[6] Cal. N. Y. Hist. MSS., 2: 460.

[7] Calendar N. Y. Hist. MSS., 2: 456, 491; Journal Legislative Council, 1: 461, 536, 557, 558, 562; Doc. rel. Col. Hist. N. Y., 5: 847. In 1730 Nicholas Bayard gave notice in the newspapers of the day that he had erected a refining-house for refining all sorts of sugar and sugar-candy, and had procured from Europe an experienced artist in that mystery. (N. Y. Gazette, Aug. 17, 1730.) This sugar-house stood back from Wall street, between Nassau and William, a high board fence along the street front securing it from intrusion.

[8] Journal Legislative Council, 1: 509, 518.

[9] Ib., p. 514.

[10] Ib., pp. 526, 536.

this latter year also an act was passed for the more effectual preservation and increase of deer on the Island Nassaw (Long Island).[1]

One smiles at the primitive simplicity of the City Fathers of those unsophisticated days, to read the financial statements of the chamberlain. He actually managed to keep the city's expenditures within its income. In 1721 the city's receipts were £559, of which only £215 was spent, leaving a balance of £344 in the treasury. In 1722 the receipts were £704, and expenditures £310, leaving a balance of £394; in 1723, the income was £721, and the outgo £575; in 1724, income £430, outgo £428, which was close sailing; in 1725, income £257, outgo £248; in 1726, income £288, outgo £224; in 1727, income £217, which was £30 more than the expenditures. A pound in New-York currency was reckoned at eighteen pence to the shilling, and so was equal to two-thirds of the pound sterling. In 1728 there was due the city £1384, and a bonded debt was undreamed of. One of the sources of income was the lease of the ferry to Brooklyn—the only ferry established then, the lessee being required to provide a house on each side, and boats for passengers and cattle. In 1717 two ferries were established, both running from what is now the foot of Fulton street on the Long Island side. In 1728 the privilege was leased for five years for two hundred and fifty-eight pounds yearly. The residents of the little Dutch village of Breuckelen, a mile back from the river, insisted upon their right to ferry themselves across, but New-York claimed the exclusive privilege, and the legislature frequently enacted strong measures to protect the city and its lessees.[2] The revenues of the province amounted to about four thousand pounds annually, raised principally by duties on rum, molasses, negroes, and Madeira wine, imported in foreign vessels. There was also a tonnage duty on vessels coming into port, and a small tax on salt and other necessaries. In 1726 the assembly wanted to remove the tonnage duty, on the ground that it drove commerce to New Jersey; they also wished to take off the duty on salt and molasses, which fell on the poor, and to impose a poll-tax on negroes, which the rich would chiefly have to pay. Governor Burnet was strongly in favor of a paper currency, and presented numerous and long arguments in its behalf, notwithstanding his unfortunate experience in the South Sea speculation. Indeed, he urged that the failure of that scheme was partly due to the neglect of the government to fix a maximum price for the stock. Another argument he adduced was that in New Jersey, where paper money was popular, the currency being based on real-estate loans, secured by a tax, the effect had been to send gold and silver out of the province to England.[3]

1 "Journal Legislative Council," 1 : 486, 506, 517, 532, 550.

2 Ib., pp. 536, 562, etc.

3 Doc. rel. Col. Hist. N. Y., 5 : 551, 700, 736, 738, 769, 889–91; Calendar N. Y. Hist. MSS., 2 : 479; N. J. Archives, 5 : 76, 87, 153–8.

Governor Burnet found time amid his multifarious official duties to devote himself to his books—of which he was passionately fond—and to his researches in science and theology. "He was useful in promoting science, and by a quadrant of a large radius and well divided, by a good telescope of eighteen feet, and by a second pendulum of large vibrations, he made several good astronomical observations, towards ascertaining latitudes and longitudes."[1] He prepared a paper on the eclipses of Jupiter's satellites, which was published in 1724 in the "Transactions" of the Royal Astronomical Society, of which he was a member.[2] But his great hobby was the study of divinity and of the Bible, and when he got a listener he was loath to let him go. He said that Sir Isaac Newton had taught him that the prophets had a language peculiar to themselves, which once learned, the prophecies could be as readily understood as other writings.[3] Whether or not he applied this method, or whether he rightly understood his famous preceptor, cannot be told, but he spent two years or more in writing an exposition of that stumbling-block of expositors—the twelfth chapter of Daniel, publishing the results in 1724, anonymously. Having in this book proved to his own satisfaction that the first period referred to by Daniel occurred in 1715, he easily showed that the second would happen in 1745, and the third in 1790. While engaged on this work he conceived the idea of going over to France to persuade the leading men in that country to destroy the Papacy—a whimsical notion which greatly alarmed his wiser brother Gilbert in England.[4] Dr. Colden says he was a zealous Christian, but not in all points orthodox, for he "often declared that many orthodox men were knaves, while he had never known a heretick that was not an honest man."[5] As the censorious Dr. Thomas Bradbury Chandler puts it, "his eccentrical genius was not to be confined within the limits of orthodoxy."[6] He was the terror of young preachers, for, no matter even if they had been licensed by the Bishop of London, the governor would give them a text and a Bible, and shut them up in a room for a certain time to prepare a sermon, and if it did not satisfy him they were not suffered to preach in his dominions.[7] Still, he was tolerant of all forms of

THE SLAVE-MARKET OF NEW-YORK.

[1] Douglass's "Summary," 1 : 480.
[2] Whitehead's "Perth Amboy," p. 165.
[3] Cadwallader Colden, in N. Y. Hist. Soc. Coll., 1868, pp. 214, 215.
[4] Whitehead's "Perth Amboy," pp. 162, 163.
[5] N. Y. Hist. Soc. Coll., 1868, 215.
[6] Chandler's "Life of Johnson" (London, 1824), p. 41.
[7] Whitehead's "Perth Amboy," p. 162.

religion. When Nicholas Eyers, brewer, set forth in his petition in January, 1722, that his hired house in Broad street had been registered as "an anabaptist meeting house" since the first Tuesday in February, 1715; that he had been a public preacher to a Baptist congregation in the city for at least four years; that he had just hired a house from Rip Van Dam for a public meeting-house, and that he desired a license as a preacher, the governor readily granted it.[1] He cared little for the external forms of religion. While on his way to Boston, when transferred to that government, he complained of the long graces of the clergymen on the road, and asked Colonel Tyler when they would shorten, who replied: "The graces will increase in length until you come to Boston; after that, they will shorten till you come to your government of New Hampshire, where your Excellency will find no grace at all."[2] One day, when about to sit down to dinner with an "old charter" senator of Massachusetts, who retained the custom of saying grace sitting, his host asked him which way he preferred, to which the hungry governor impatiently replied: "Standing or sitting, any way or no way, just as you please."[3]

Another trait of the governor's character was his fondness for exercising the office of chancellor. The historian Smith says he "made a tolerable figure in the exercise of it, tho' he was no lawyer, and had a foible very unsuitable for a judge, I mean his resolving too speedily, for he used to say of himself, 'I act first, and think afterwards'";[4] or, as he put it on another occasion: "I am inclined to believe as I wish."[5] Two cases which came before him as chancellor were partly instrumental in causing his removal. The French congregation, "L'Église du Saint Esprit,"[6] worshiped in a stone building fifty by seventy-seven feet, erected in 1704, in Pine street. The congregation was large and flourishing; the Rev. Louis Rou was called to the pastorate about 1710, and as the church increased the Rev. J. J. Moulinars was called as his colleague. In the fall of 1724 the consistory of the church dismissed Mr. Rou, in the interest of Mr. Moulinars. Mr. Rou and a large number of the church members protested, and brought the matter before the council, who, after a hearing, decided that the dismissal was irregular and unlawful, but advised the congregation to adjust their differences amicably. As the consistory refused to reinstate Mr. Rou, he filed a bill in chancery to compel them to produce their contract with him; the consistory pleaded to the jurisdiction of the court, which plea the governor overruled. As Rou, a scholarly

1 "New-York Documentary History" (4to ed.), 3: 290, 291. Benedict, in "History of the Baptists" (Boston, 1813), 1 : 537, is in error in saying that Burnet witnessed the baptism of Eyers in 1714; Governor Hunter is meant.

2 Belknap's "New Hampshire," 3 : 75.

3 Hutchinson's "Massachusetts," 2 : 32.

4 Smith's "New-York," p. 201.

5 Doc. rel. Col. Hist. N. Y., 5 : 703.

6 For illustration of the church, see Chapter II. EDITOR.

man, was known to be on intimate terms with Burnet, and as the decision just given indicated what the final decree would be, the dissatisfied party dropped the suit, reinstated Mr. Rou, and left the church.[1] They were thereafter enemies of the governor. Among them was Stephen De Lancey, one of the most influential men in the province. The other suit was on a bill in chancery filed by Adolph Philipse, in relation to a suit at common law brought against him by the widow of one Codringtone, his former partner, on a bond for fifteen hundred pounds. The governor dismissed the bill, and left Mr. Philipse to make his defense at law as best he could.[2]

When the legislature met in September, 1725, Governor Burnet found that Adolph Philipse was elected speaker, and that Stephen De Lancey was one of the new members, of whom several had been chosen to fill vacancies. With a deplorable lack of judgment, Mr. Burnet allowed his resentment to take an unjustifiable turn, for when Mr. De Lancey presented himself to be sworn in, the governor questioned his citizenship, and declined to admit him until he had consulted Chief Justice Lewis Morris. On further reflection and consultation with friends, the governor perceived his error, and wrote to the assembly, saying that he left the matter entirely with them — where, indeed, it properly and exclusively belonged. Mr. De Lancey had been denizened in this province in 1686, and had sat in the council and in the assembly for nearly twenty years. It was the height of folly for the governor to raise a question as to his right to sit in the assembly now.[3] Thenceforth the whole De Lancey interest, thus twice antagonized by the governor, was bent on his removal. Although the assembly declared their readiness to meet all demands, they had their own ideas of what ought to be done. As a punishment for Chief Justice Morris, who was a member of the house, in advising against Mr. De Lancey's right to sit, they proposed to reduce his salary one hundred pounds, and to abolish the office of second judge, giving Morris more work,[4] and in other ways they manifested a disposition to break with the governor. After sitting five or six weeks they were adjourned till the ensuing spring. At this session the assembly persisted in making an appropriation for only three years, instead of for five, as formerly, and as the governor urged upon them; so he dissolved them, after an existence of eleven years.[5] The new assembly, which met on September 27, 1726, was not a whit more favorable to the administration; it promptly affirmed the views of its prede-

[1] N. Y. Doc. Hist. (4to ed.), 3 : 281–290; Smith's New-York, pp. 222, 223; N. Y. Hist. Soc. Coll., 1868, pp. 207–9. Dr. Colden says that in the answer filed by the consistory they swore that they had no knowledge of such a contract, but they afterward admitted that they meant this to be understood of them as a body, for some of them had been members of the consistory when the contract was made, and knew all about it.

[2] N. Y. Hist. Soc. Coll., 1868, pp. 212, 213.

[3] Smith's New-York, pp. 223, 224; Doc. rel. Col. Hist. N.Y., 5 : 769; N. Y. Hist. Soc. Coll., 1868, pp. 210, 211.

[4] Doc. rel. Col. Hist. N. Y., 5 : 769.

[5] Journal Legislative Council, 1 : 537.

cessor as to the sufficiency of the revenue and the propriety of reducing salaries—which the governor disregarded. However, they sustained his Indian policy, and authorized him to build a fort and lodge twenty soldiers in it at the mouth of the Onondaga River, and then he adjourned them until spring. He lost no time in taking advantage of the act just mentioned, but sent out workmen to build a stone fortress, with walls four feet thick, at Oswego, with sixty soldiers. There were already there about two hundred traders—so rapidly had the business grown under his wise management. The assembly voted three hundred pounds for the purpose, but he expended twice that sum out of his own pocket, so anxious was he to have his plan carried out.[1] In the summer of 1725 fifty-seven canoes went there, and returned with seven hundred and thirty-eight packs of beaver- and deer-skins. The French were alarmed, and erected a fort at Niagara, and at the same time demanded that the English abandon their fort at Oswego.[2]

On the accession of King George II., Burnet ordered the election of a new assembly, which met on September 30, 1727. It went through its business with little trouble, and adjourned on November 25, 1727, having sat less than half the time since the session opened. Everything moved along smoothly, and the acts passed were published with the usual solemnity on the last day of the session. Now his enemies sprung their mine. They knew that he was to be removed,[3] and, the business of the session being ended, the assembly adopted a series of scathing resolutions, denouncing the court of chancery as set up by the governor: that it rendered "the Libertys and properties of the Subjects extreamly Precarious, and that by the violent measures taken in & allowed by it some have been ruined, others obliged to abandon the Colony and many restrained in it either by Imprisonment or by excessive bail Exacted from them not to depart"; also that the court should not have been set up without the consent of the assembly, and that that body proposed at their next sitting to pass an act declaring all acts, decrees, and proceedings of the court null and void. It was five years since Burnet had caused Philipse to be removed from the council; it was two years since he had insulted De Lancey by questioning his citizenship;[4] it was two years, likewise, since he had dismissed Philipse's bill in chancery. Their turn had come at last, and the governor found himself in a hopeless minority. With unwise but not unreasonable indignation, he dissolved the assembly which had thus heaped contumely upon

[1] Journal Legislative Council, 1: 541, 554; Doc. rel. Col. Hist. N. Y., 5: 812, 813, 818, 879.

[2] Smith's New York, pp. 228, 229.

[3] Colonel John Montgomerie, the groom of the chambers to George II. while Prince of Wales, had been appointed governor on August 12, 1727. Doc. rel. Col. Hist. N. Y., 5: 823.

[4] De Lancey was a merchant, and interested in defeating the governor's Indian policy. N. Y. Hist. Soc. Coll., 1868, p. 220.

him in his person as chancellor.[1] Sensitive as he was, and having much self-complacency, this action of the assembly stung him to the quick, the more so that it was grossly unjust.

Moreover, this blow came at a time when he was suffering the severest domestic afflictions. On the morning of August 7, 1727, Mrs. Burnet presented him with a son;[2] but the joy of the household was soon changed to mourning, and mother and child were laid together in the chapel within the old fort. He made his will at this time, dated at New-York, September 6, 1727, in which he directs that his body "be buried at the Chapel of the Fort at New-York, near to my dearest wife Mary and one of my children, in a vault prepared for them, in case I die in the Province of New-York. But if I die elsewhere, in the nearest church or burying ground, or in the sea, if I should die there, well knowing that all places are alike to God's All-Seeing Eye."[3]

Writing home to the lords of trade, under date of August 26, he solicits their favor with the new king for his continuance in his governments of New-York and New Jersey, on the score of his faithful and efficient service. But his enemies were numerous and powerful, which made it easy for the king to consent readily to let his friend and former groom of the bed-chamber, John Montgomerie, have his wish when he

[1] Journal Legislative Council, 1 : 562; N. Y. Hist. Soc. Coll., 1868, p. 212; Doc. rel. Col. Hist. N. Y., 5 : 847, 848.

[2] Calendar N. Y. Hist. MSS., 2 : 487.

[3] N. Y. Genealogical and Biographical Record, 6 : 6; Historical Magazine, April, 1865, p. 129. Mrs. Burnet's funeral sermon was preached in the chapel in the fort, by the Rev. Mr. Orum, whose MS. fails to give the date. (Hist. Mag., December, 1864, p. 398.) The will names "my children William, Thomas and Mary," by late wife "Mary Vanhorne," and appoints Abraham Van Horne and Mary Van Horne his wife Executors. The will was proved at Boston September 25, 1729, where Abraham Van Horne, his executor, filed the inventory of his estate on October 13, 1729, amounting to £4540 4s. 3½d. The daughter Mary married William Brown, of Beverly, Mass., and had issue William Burnet Brown, who settled in Virginia. In Abraham Van Horne's will, dated December 27, 1740, only two of the governor's children are named. (Ib., January, 1865, p. 34; April, 1865, p. 129; N. Y. Gen. and Biog. Record, 6 : 6.) William Brown married, 2d, Mary, daughter of Philip French, of New Brunswick, N. J.; he died April 27, 1763. (Duer's "Life of Lord Stirling," p. 3, note.) Governor Jonathan Belcher, who succeeded Burnet in Massachusetts, tried to get the legislature to vote to his children the salary (at the rate of £1000) which they had withheld from the governor. Wynne, 1 : 153.

made choice of the government of New-York. Mr. Burnet felt a natural resentment at being thus removed, and his friends interceded with the queen in his behalf, but she replied with courtly politeness that the king thought it necessary to appoint a man of Governor Burnet's abilities to manage the troublesome people of Massachusetts, and as the king's service required the sacrifice, any loss resulting therefrom would be made good. So he reluctantly accepted the new position. He continued to attend to the duties of his office faithfully, promptly, and without a word of complaint, while he waited patiently for the arrival of his successor; and when Colonel Montgomerie landed at New-York on April 15, 1728, Governor Burnet tendered him the hospitalities of his mansion in the fort; and although his courtesy was not accepted, he does not appear to have shown any ill-will.[1] Soon after, he departed from New-York to assume his new government in Massachusetts. In doing so he was burdened with an instruction to insist upon the assembly of that province making an appropriation for at least five years for the support of the government;[2] this led to constant differences between him and that body, which were ended by his death at Boston, on September 7, 1729, caused by his taking cold from the overturning of his carriage upon the causeway at Cambridge, the tide being high and he falling into the water.[3] Burnet was but forty-one years old.

Said a writer in 1725: "Never a Country was happyer of a Governor than these Provinces are of him. He is Not only a Learned Man But one that has a peculiar Talent of Eloquence & good Humour Suitable to his Learning he is a Man of great generosity Supplying the necessitous and Distributing his Justice Equally to great and Small. He is one who has at heart the promoting the welfare of these provinces."[4] Says Smith: "We never had a Governor to whom the colony is so much indebted as to him. . . . The excessive love of money, a disease common to all his predecessors, and to some who succeeded him, was a vice from which he was entirely free. He sold no offices, nor attempted to raise a fortune by indirect means; for he lived generously, and carried scarce anything away with him, but his books. These and the conversation of men of letters were to him inexhaustible sources of delight."[5] The judicial Grahame speaks of him

1 Doc. rel. Col. Hist. N. Y., 5: 855, 856, 858, 870, 871; N. Y. Hist. Soc. Coll., 1868, pp. 219, 226.

2 N. Y. Hist. Soc. Coll., 1868, pp. 217–19.

3 Hutchinson's "Massachusetts," 2: 364. "He was conducted to the grave with the respectful solemnity of a public funeral, and with demonstrations of esteem creditable alike to the liberality of those who entertained this sentiment, and to the merit of the individual who inspired it." (Grahame's "United States," 3: 124.) The funeral sermon was preached in the King's Chapel, Boston, September 12, 1727, by the Rev. Mr. Price. (Hist. Mag., December, 1864, p. 398.) In accordance with the directions in his will, his son Gilbert ("a lively youth about fifteen"), by his first wife, was sent from Boston to his aunt Mary, wife of David Mitchell, in England. It was said that he was well provided for by Bishop Burnet's will. The other children were brought from Boston to New-York by their grandfather, Abraham Van Horne. N. J. Archives, 5: 261; N. Y. Gen. and Biog. Record, 6: 6.

4 N. J. Archives, 5: 100.

5 Smith's "New-York," p. 231.

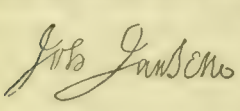
thus: "He labored with equal wisdom and assiduity to promote the welfare of the province, and cultivated the favor of the people with a success which only the clamors and intrigues of an interested faction prevented from being as entire and immediate as it proved lasting and honorable. Though in the close of his administration his popularity was eclipsed by the artifices of those who opposed his views, the testimony that farther experience afforded to the tendency of these views to promote the general good gained him a time-honored name, and a reputation coequal with his deserts; and more than twenty years after his death, the Swedish philosopher, Kalm, during his travels in America, heard Burnet's worth commemorated with grateful praise by his people, who lamented him as the best governor they had ever obeyed."[1] Writing thirty years after his death, Dr. Colden says of him: "He studied the true interest of the province more than any before him or any since. No instance can be given of oppression in any shape. No man was more free from Avarice. He was generous to a degree so far that if he erred it was in not takeing sufficient care of his private interest. He expended yearly considerable sums in private charitie, which he managed so that none knew of them more than what could not be avoided and thereby in some degree doubled the charitie to many who received it."[2] James Alexander was greatly overcome by the intelligence of the governor's death. "The death of Mr. Burnet," he writes to ex-Governor Hunter, "gave me the greatest grief & concern of anything I have met with, the world Loses therby one of the best of men, & I in particular a most Sincere friend & one to whom I Lay under the greatest of Obligations he was a man who bating warmth was almost without a fault & that by degrees he became nearer & nearer Master of & in time had he lived would probably have been entirely so."[3] Reviewing his career, after the lapse of more than a century and a half, the impartial student of that period will, we think, accept as just these tributes of his contemporaries to the character of Governor William Burnet.

MAYORS OF NEW-YORK.

ROBERT WALTERS was mayor in 1720–1725. Early in life he came to New-York and engaged in mercantile pursuits. He was an Englishman by birth, and married a daughter of Jacob Leisler. At first the inheritance from her father was confiscated, but, being subsequently restored, it added materially to her husband's fortune. Besides the mayoralty Mr. Walters held several offices of distinction and trust in the province, as appears from the course of this history.

[1] Grahame's United States, 3: 96. [2] N. Y. Hist. Soc. Coll., 1868, p. 216. [3] N. J. Archives, 5: 271.

JOHANNES JANSEN was mayor in 1725. This name is again Dutch; and while numerous branches of this family changed its orthography to an English one, or adopted as patronymics distinguishing titles derived from residence or from some other circumstance, the mayor branch retained the ancient form. He was a merchant. His residence being in the South Ward, he represented this in the common council as alderman for nine years, from 1704 to 1706, and from 1713 to 1718. The population during his term had advanced to 7500 souls.

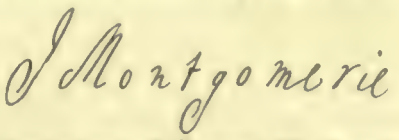


ROBERT LURTING was mayor for nine years, from 1726 to 1735. Commencing under Governor Burnet, his term extended through the whole of that of Montgomerie and to the last year of that of Cosby. He was the founder of that name in America, having been born in England, and having settled in New-York in early life, not far from the close of the seventeenth century. He married the widow of a rich merchant, Richard Jones, by which his fortune was largely increased. Beginning in a humble way with sloops and voyages on the Hudson and adjacent inland waters, he expanded his enterprises till they embraced foreign ports and required large merchant ships for the transporting of his merchandise. At the same time Mr. Lurting undertook various public duties. He was at this time a militia captain (but later rose to the rank of colonel); and put his mercantile training to good military use as a commissioner for the commissary department in the fruitless Canadian campaign of 1709 – 1710. He served at different periods as assistant alderman and alderman for the South Ward, the Dock Ward, and the East Ward respectively, indicating several changes of residence. He was vendue-master for many years, his function giving him supervision over auctions. It was during his term, as will be noticed at some length in the succeeding chapter, that occurred the important event of the granting of the Montgomerie charter in 1731. He died while in office, in July, 1735, after a prolonged illness. The city had now reached 8000 inhabitants.

CHAPTER VI

THE CITY UNDER GOVERNOR JOHN MONTGOMERIE
1728–1732

ON June 11, 1727, the first of England's kings of the name of George, and the first of the line of Hanover, died and was gathered to his fathers, and George II., his son, reigned in his stead. The change of kings in England was attended almost immediately by a change of governors for the provinces of New-York and New Jersey. William Burnet was transferred to the government of Massachusetts. In August the lords of trade received official notice that the new king had appointed in his place one of the gentlemen-in-waiting on his Majesty while he was still Prince of Wales. This was John Montgomerie, Esq., of Dumfriesshire, Scotland, who had been bred a soldier and, according to some accounts, had attained the rank of colonel. But he had exchanged this active and stirring career for that of a member of parliament and a courtier. Unfortunately, his close association as groom of the bed-chamber with such a personage as George II. does not necessarily bespeak any high mental capacity. "A man is known by the company he keeps;" and while this old adage may not strictly apply to a man's accepting office in a king's household, still Governor Montgomerie's mind or morals need not have been of a very exalted order to have made him a suitable companion and favorite of his master. Thackeray's picture of George II. is not very flattering: "How he was a choleric little sovereign; how he shook his fist in the face of his father's courtiers; how he kicked his coat and wig about in his rages, and called everybody thief, liar, rascal, with whom he differed: you will read in all the history books." A curious commingling of baseness and pathos is that presented by the scene at the queen's deathbed. With all his licentiousness the king was devotedly attached to his wife. When in her last farewell she advised him to marry again, his Majesty burst out, amid his sobs: "Non, non; j'aurai des maîtresses!"[1]



[1] "Four Georges" (London, 1879), p. 35, *et passim.*

There seems to have been no taint of an immoral nature upon Governor Montgomerie's character. He is represented to us, however, in all accounts of him as a person of a very dull intellect. But he possessed the eminent merit, unusual in persons of his caliber, of acknowledging his deficiency, of not pretending to know more than he did. Nor is it apparent that he put forward the labor of others as his own, to cover his lack of industry or of knowledge in the sight of his superiors at home, as was the case of Governor Cornbury in presenting his plan of a Canadian campaign. As an instance of his modesty it is stated that he declined to preside over the Court of Chancery, on the avowed ground of his inability properly to perform the duty, although it was one of his functions as chief magistrate. At the same time his indulgent or indolent good nature enabled him to act more harmoniously than his able predecessors or successors with the refractory provincial assemblies. In the matter of that burning question regarding the grant of revenue without specified appropriations, and for a number of years at once instead of from year to year, around which the battle between popular rights and royal prerogative had raged and was yet to rage for many a year, Montgomerie actually obtained more concessions than had Hunter or Burnet, because he brought no special pressure to bear, and advanced no unpalatable arguments in support of the claims of the crown. We may regard the Montgomerie administration, therefore, as a suspension of the struggle which made us a nation at last. Vigorous occasion for its renewal, however, was abundantly supplied by succeeding governors, so that the time lost was quickly overtaken; and in this connection it is curious to observe that a little over a year after Montgomerie's arrival he was met by an act of opposition and defiance by one of the members of the council for acting in strict compliance with the acts of assembly regarding appropriations. When it came to signing the warrants for the quarterly salaries of himself and other officers of the government of the province, a protest against his manner of proceeding was made by Lewis Morris, Jr., the son of the chief justice. The next day this protest had been reduced to writing, and was read. It was judged disrespectful both to the governor, the council, and the assembly: on which ground Morris was ordered to apologize. He did so, but a week or more later he read a still more elaborate paper, criticizing the act of the governor in signing the warrants. The council stood by the latter, and advised that young Morris be suspended from the council. The matter was referred to the king and the lords of trade, both sides presenting their case. But the home authorities justly decided in favor of their representative;

THE MONTGOMERIE ARMS.

the king confirmed the dismissal of Morris and the appointment of Philip Courtlandt (Van Cortlandt) in his place.[1]

After a very tedious sea-voyage of five months Governor Montgomerie arrived at New-York City on April 15, 1728. On that same day he published his commission, and a week later did the same for the province of New Jersey at Perth Amboy. In the previous November Governor Burnet had dissolved the assembly. The writs for electing representatives to a new one were thereupon at once issued, but this assembly had not as yet met when Montgomerie arrived. He was advised by several men of prominence in the province, and even by Governor Burnet himself, to dissolve this assembly before it met. He thereupon took pains to consult with each member of the council privately, and with others outside, as to the advisability of this step. Their unanimous opinion was that the "most probable way to compose differences and reconcile all animosities" was to dissolve the assembly and call a new one. This was accordingly done, and the new representatives assembled for the first time after harvest.[2]

Among the first affairs of any public importance to which Montgomerie was called upon to give his attention was a conference with the Indians, for the purpose of conveying to them the presents usually bestowed at the accession of a new king or a new governor, and of confirming also the league of friendship with them. A very full account of this conference, which began on October 1, 1728, and continued for some days thereafter, is furnished in the printed collection of colonial documents. There we may read the speeches delivered by the various braves, and the gracious replies by Governor Montgomerie. But as all this took place in the vicinity of Albany or Schenectady, it would seem proper to dispense with a reproduction of this long-drawn eloquence. The speeches are more fraught with words than with wisdom, and those which set forth the consuming love which George II. bore toward his savage compeers, must have almost rung with their very hollowness.[3] We may briefly notice one other event coming nearer home—that of the settlement of the boundary line between New-York and Connecticut, which had formed the subject of controversy for so long a period, reaching back not only to the time of

1 "Council Minutes," XV: 337, 343; "Documents relating to the Colonial History of New York," 5: 877-888. Morris in his paper charged that the warrants were hastily or perfunctorily read so that the members did not or could not pay attention to their contents, while some did not have a sufficient command of the English language to understand their import. In his letter to the lords of trade, too, he made quite a parade of loyalty in criticizing the assembly for demanding separate and distinct annual appropriations of the revenue instead of a lump sum for a number of years, the very thing which constituted the triumph of popular rights. But one of the warrants gave only £260 instead of £300 to his father, the chief justice; and it is impossible not to suspect a more sinister motive than a desire for correctness in proceeding, in the persistent protests of this young man. When Governor Hunter recommended the chief justice for that office he said that one of his qualifications was that he could live without a salary. The salary question seems, however, to have been quite an important one in his family.

2 Doc. rel. Col. Hist. N. Y., 5: 855, 856.

3 Doc. rel. Col. Hist. N. Y., 5: 859-870.

Dutch dominion, but growing quite as serious and complicated after the surrender of 1664. "The partition-line agreed upon in 1664 being considered fraudulent, attempts were afterward made to effect a settlement of the question in a manner mutually satisfactory, but this was not accomplished until May, 1731. In 1725 a partition-line was agreed upon by the commissioners of both colonies, but it was not entirely satisfactory; now a tract of sixty thousand acres, lying on the Connecticut side of the line, and from its figure called the Oblong, was ceded to New-York, and an equivalent in territory near Long Island Sound was surrendered to Connecticut. Hence a divergence from a straight line north and south seen in the southern boundary between New-York and Connecticut. The Oblong is nearly two miles wide. Through its center a line was drawn, and the whole tract was divided into lots of five hundred acres each, on both sides, and sold to emigrants, who came chiefly from New England."[1] Beyond these incidents, however, there is not much of general provincial interest to claim attention in these pages. Indeed, so little of real importance in its bearing upon the province at large occurred during this rather negative administration, while at the same time the data for gaining a clear view of conditions in the city during its brief period are so abundant, that there is every reason for making this chapter mainly one upon the affairs of the city, even though we shall thereby relegate the governor and his doings somewhat to the background.

In the same year (1728) that Governor Montgomerie arrived, there was published an extensive map or plan of the city, affording a minute and exact idea as to the extent that the various streets were built up at that time. Starting at the foot of Whitehall street, where then as now there was a large square facing the river, the east side of that street running past and opposite the Bowling Green, as well as that of Broadway as far as Wall street, presented one continuous line of buildings, broken by only a very few vacant spaces. There were two vacant lots which may have been gardens (of which the Dutch people were especially fond) between Beaver street and the present Exchange Place, then known as "Flatten Barrack." The northeast corner of Exchange Place and the southeast corner of Wall street, with one lot in the middle of that block, were also unoccupied by buildings. On the west side of Broadway, however, from the fort or "parade ground," now the Bowling Green, all the way to what is now Rector street, the line of houses was entirely continuous. On the same side of this

[1] Benson J. Lossing's "Empire State," p. 142. This author summarizes Montgomerie's administration, from the provincial standpoint, as follows, and calls attention to one more event: "Loving his ease, he allowed public affairs to flow on placidly, and during the three years of his administration nothing of special public importance occurred in the colony excepting the repeal of the law (1729) prohibiting the trade with the Canadians. This repeal was effected through the influence of the interested merchants." (Op. cit., p. 141.) This has reference, of course, to the merchants of Albany.

handsome thoroughfare there are apparent the beginnings of one or two streets looking toward the North River. But the rear windows of the houses on Broadway and the front of Trinity Church commanded an uninterrupted view of that broad stream and of the green shores of New Jersey beyond. Indeed, the lots or gardens sloped down to the very edge of the water. This state of things was not destined to continue much longer. In 1723 the corporation of the city had begun to prepare for the creation of our present Greenwich and Washington streets by offering for sale the "land under water," from the Battery to Rector street. A little over a year after Governor Montgomerie's arrival this offer was followed by ordering an actual survey of two streets. The center of one of these was to be determined by the extreme high-water line, and it was to be forty feet wide. The other was to be thirty feet wide, and its center was to correspond with the line of the low-water mark. Along these as yet entirely imaginary thoroughfares lots were also surveyed. Much labor was required to keep back the encroaching waters from this space of ground, so that several years elapsed before the streets were in condition for being built upon. It was a still bolder aggression upon the domain of the river-god when West street was rescued from the flow of the tides; but this was not undertaken till long after the Montgomerie administration. The same ordinance which gave being to Greenwich and Washington streets made a beginning also of the array of wharves that now buttress the North River shore without number. One pier was to be built into the waters at the foot of what is now Morris street, and upon which then a few houses were standing; another at the foot of the present Rector street; and a third about opposite where Exchange Place would strike the river if continued west of Church street. Upon the plan of 1728 two docks appear farther up the stream, about in the vicinity of the foot of the present Cedar street. If it is difficult for us to conceive the solitude and vacancy of the North River shore

of that period, it was quite impossible that the wildest hopes of the aldermen who first ordered the survey of these streets "under the water" could have embraced anything like the reality in the way of population and traffic, commerce and navigation, which these whilom waste places now present.

Taking now another prominent thoroughfare, Broad street, the plan of 1728 enables one to observe how closely it was then built upon. Both lines of houses were complete, with scarcely a break in any of the blocks, from Wall street to the primitive Merchants' Exchange at the foot, appropriately crowning the long pier which divided the East and West Docks. A curious contrast this to the appearance of the street in the previous century: then the river had encroached upon the land by means of the canal that ran along nearly its whole length; now the street had invaded the river by means of this broad pier, which afforded a convenient landing-place for the various produce and merchandise whose prices were discussed and regulated in the adjoining exchange. And that exchange deserves a moment's notice. It was little more than a roof supported by arches resting upon posts. A not too violent rain-storm, unaccompanied by a driving wind, might have left the members untouched by its ravages. But the ventilation was altogether too free and perfect for the biting airs of the winter season. No doubt, under such circumstances, business was hastily transacted if at all; for the strange contortions of body and the wild gesticulations which at the present day convert our exchanges into Babel had not then come into vogue.

Across the city, in a continuous semicircular line, ran a succession of thoroughfares, which under the various names of Pearl street, Dock street, Hanover Square, and Queen street represented what is now known by the one name of Pearl street, from the Battery to Peck Slip. The city, we perceive, has already encroached to a considerable extent upon the East River. For whereas some years ago Pearl street and its continuations, under the several names just indicated, formed the river front, now both sides of these streets presented an almost unbroken line of houses for the entire length. Indeed, the street parallel to them and one block to the east, which had succeeded to the position of river frontage, was now also completely built up on one side from Coenties Slip to the present Fulton street (then Fair street). Taking a survey of the suburbs, of that portion which in 1728 corresponded to the district of to-day where are the "One Hundred and Fifties," or "One Hundred and Eighties," on Manhattan Island, or in the "Annexed District,"— a region hardly known to down-town New-Yorkers,— the eye lights upon Broadway and the other sections of the city above Wall street. It is surprised to behold an entire vacant square where now the great Equitable Building rears its formidable

The above map was drawn by Surveyor James Lyne, and printed by William Bradford, who was still active at his trade. The map has been reproduced several times, but not ordinarily the whole of it. The quaint legend running along the top, and the figures supporting the arms of the province and city, with the shields bearing the inscriptions, are in most cases omitted from these reproductions. We have given the map, or plan, complete as it was printed by Bradford in 1728, but reduced to about one third the original size, which is 17 inches high by 22 wide.

proportions. The south side of Wall street is well built up, but the north side more sparsely. The Presbyterian church (between Broadway and Nassau street), the City Hall (opposite Broad street), and the Bayard sugar-house (between Nassau and William streets), destined to play a conspicuous part in Revolutionary history, are the only structures laid down upon the plan. But from William street — then called Smith — down toward the river, the perspective of Wall street would have presented a very complete succession of dwelling-houses on both sides of the thoroughfare. Above Wall street, the streets or blocks that are solidly built up are rare. The "Common," or Park, later the City Hall Park, still remains. North of the present Cortlandt street stretches the "King's Farm," as yet undivided into lots. A rope-walk extends along what is now Broadway from about Park Place to Chambers street; but otherwise there is no indication of a road or street. The highway to Boston turns into the present Park Row, and follows this across Chatham Square until it is merged in the Bowery.

It is certainly a matter of interest that it is possible to gain so exact an idea of the topography of the New-York streets at the time of Governor Montgomerie's incumbency. But it is additionally fortunate that representations exist which afford a picture or bird's-eye view of the city as it would have appeared to an observer of that period who had taken his stand on Brooklyn Heights.[1] Placing ourselves by the side of such observer, we notice that the prevailing characteristic of the houses stamps them unmistakably as Dutch. The tourist who has made himself familiar with many Dutch towns imagines that he is looking upon one of these quaint communities transplanted beneath American skies. Only the green hills rising above and beyond the roofs toward the middle of the island would dispel that illusion. Yet even these are hardly high enough to disabuse one of the idea that they might be some grass-grown dike, huge and solid, reared by men "who," as Goldsmith sings,

> ". . . . sedulous to stop the coming tide,
> Lift the tall rampart's artificial pride,"

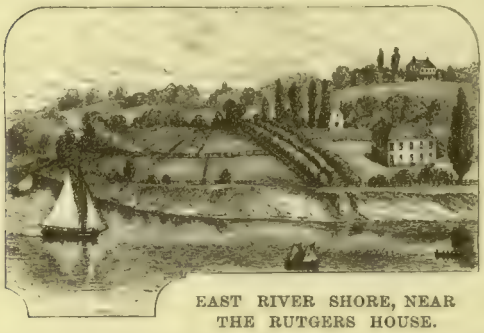
to guard their homes and their industries from the engulfing ocean. Almost all the buildings point with their gables toward the street, and the sides of the regulation isosceles triangle rise to the ridge of the roof often in the peculiar crow-stepped fashion, but sometimes also in plain straight lines. The extreme southern point of the city

[1] In Valentine's "History of the City of New-York," p. 290, appears a lithographic plate of the city in Governor Clinton's time. But Mr. Berthold Fernow, formerly keeper of the State Archives, discovered in the possession of a family at Albany an engraving six feet long, presenting exactly the same view and dated under Governor Hunter's administration. Hence this "prospect" (as its title reads) must have held good for the intervening period.

shows a graceful half-moon, or lunette, beset with grim cannon; and just there, too, opens the generous space of ground at the foot of Whitehall street. Here can still be seen the "White Hall" itself, on the corner of what are now Whitehall and State streets. Then the block from State to Pearl in Whitehall was called "Leisler street," because Jacob Leisler's house and store had stood adjoining the mansion that Stuyvesant had built and Dongan had afterward owned. The latter was now in ruins, and in 1731 the Leisler street became Whitehall street, to commemorate a building rather than a citizen, possibly in the interests of peace. As the eye follows the line of the houses here it soon falls upon the eastern wall of the fort. This partially hides the chapel of St. George, the successor of Kieft's "Tempel" of 1642, its modest belfry rising far above it. The governor's mansion shows only two stories above the fortifications: the prospect from the lower tier of windows must have been rather dreary, confined as it was to the walls of the narrow fort. But so much the more delightful by contrast, as well as intrinsically, must have been the scene from the upper rooms, embracing the splendid bay with all its varied beauties of waters and islands, and hills and forests.

The observer's attention would next be attracted by the two basins, East Dock and West Dock, with the central pier dividing them and running out nearly to the entrance, the whole forming an enormous E. There is some resemblance to this early mode of wharfage in the busy Erie Basin of the present day, situated off South Brooklyn; but it is emphatically, according to the Miltonic formula, "to compare great things with small," for the ancient print shows but a few small boats and coasters moored within the docks. Of the Merchants' Exchange, near by, mention has already been made. The canal in Broad street is no more; but the "slips" in those days were real slips,—indentations of several hundred feet into the shore-line, in order to bring merchant vessels nearer to the warehouses. Of these, three were to be seen in 1728 — the Old Slip, Burling Slip, and Peck Slip. Allowing the vision to travel gradually northward, the church steeples of the city rise up almost in a group by themselves, owing to the proximity of these sacred edifices to each other. First among them in the order of "up-town" location appears that of the old Dutch church in Garden street (Exchange Place). Tallest of them all rises the steeple of Trinity, whose successor of these days still bears that same distinction, although now the vantage-ground in Brooklyn would show the dome of one newspaper edifice ambitiously eclipsing it. Just below Trinity the belfry of the City Hall attains a modest elevation, while the steeple of the French church in Pine street aspires to no higher reach; but the tower of the new Dutch church, standing on the brow of the hill on Nassau street (destined to be the New-York

Post-office), with good square shoulders lifts high above its French rival its open belfry supported upon columns, and surmounted by the inevitable chanticleer.[1] As the eye turns toward the outskirts of the city, the houses grow few and far between. Here the shipwrights have established themselves along the river's edge. But two fine mansions, which close the view at the northern extremity, would appear to have been the dwellings of well-to-do merchants of the town, who had chosen this delectable situation for their homes. A specimen of such home may be seen in the prints of Colonel Rutgers's house or country-seat upon the East River shore.



EAST RIVER SHORE, NEAR THE RUTGERS HOUSE.

The observer of 1728, on his return to the city which he had thus surveyed, would have proceeded to the ferry-house at the foot of the hill to his right. It stood upon the bank of the river, a substantial building of brick, three stories high, with pointed gables crow-stepped in the style approved in Holland. Adjoining it stood a large barn or carriage-house and various sheds; while on the opposite side of the road, sheltered beneath an almost perpendicular bluff, was a pound for cattle and horses. A dock ran out a little way into the river, and here landed and departed the ferry-scow, square at both ends, but rigged with mast and sails. This was the beginning of Fulton Ferry. Had a vision of the great structure of the Brooklyn Bridge, now overshadowing this very spot, been vouchsafed to the observer of that date, he would have classed it among the seven wonders of the world, or he would have supposed it utterly impossible of ever being realized in fact.

It is somewhat singular that at almost every stage in the history of our city that vanished feature of the "Kolk," or Collect-pond, or lake, or creek, should have to figure and to require notice. During Governor Montgomerie's term it was made the subject of an elaborate petition to the king on the part of Captain Anthony Rutgers, and the correspondence referring to this petition occupies several pages of the large quarto publication of the documents that relate to the colonial history of our state. The territory comprising it had formed part of those generous but reckless grants under Fletcher and In-

[1] As may to some extent be gathered from preceding pages, the rectors or pastors of these churches were — of Trinity, the Rev. William Vesey; of the Presbyterian church in Wall street, the Rev. Ebenezer Pemberton; of the French church in Pine street, the Rev. Louis Rou; of the Dutch church (comprising two edifices above mentioned), the Revs. Gualterius (Walter) Du Bois and Henricus Boel.

goldesby which were measured by the score of square miles at once. These grants having been declared invalid by the council in England and by the assembly at home, and by the royal decree based on these, the lands which had entered into them had again become vacant. The petition urged that the pond itself, now freed from these liens upon it, and measuring about seventy acres, might be granted to Captain Rutgers in fee simple. The reasons brought forward why this petition should be granted, give us a graphic account of this natural feature of Manhattan Island, as well as of its actual condition and its effects upon the neighborhood. We learn that its waters and the swampy ground, which was half land and half water, extended very nearly from the North to the East River. From the former it was separated by about one hundred and fifty yards of a kind of salt meadow; from the East River by about three hundred yards of the same. Here a rail fence had to be placed to prevent cattle from straying upon the treacherous bottom and getting smothered in the mud.

That beautiful and pellucid lake or stream, whose shores some imaginations have peopled with delighted visitors, or anglers, appears in reality to have been a very common and a very offensive nuisance. The petitioner, Captain Rutgers, begged leave most humbly to inform George II. that "said swamp is filled constantly with standing water for which there is no natural vent." Bushes and small trees grew upon some of the submerged soil, producing in the midst of the stagnation an added element of infection in the way of vegetable decay, making the Kolk indeed "exceedingly dangerous and of very pernicious consequence" to all those dwelling within a short distance of it. The land in its vicinity was therefore occupied by the dwellings of those who were too poor to build or rent houses elsewhere; and so much sickness prevailed among these people, who belonged generally to the laboring classes, that a great part of their time and wages was constantly being lost. The larger landholders could not rent their farms located near by. All these sanitary facts and objections were supported by the affidavit of a physician. What was needed was a thorough system of draining. The tides only at specially high water would now flow back and forth between the rivers, meeting on the surface of the Kolk. But this chance of purification was too occasional; and even then the waters from the rivers came and went without carrying away the unhealthy stagnation. Yet by means of the ebb and flow of the tides, regulated by canals and a proper system of damming and sluicing, the water in the pond might be periodically renewed and refreshed every day. This, however, demanded time and money. Captain Rutgers was willing to devote both to the beneficial object in question, if there were a reasonable expectation

that he and his heirs might enjoy the fruits, in possessing and inheriting the property thus improved. Under no other conditions was it to be expected that any one else would take upon himself the salutary task.[1] The request was so reasonable that it did not fail of being granted, and it is somewhat remarkable that less than a year later the first assembly that met under the rule of Rip Van Dam convened at the house of Captain Rutgers, "near the Bowery Road." The Bowery Road ran past the Collect; and the reason the assembly met there was to avoid an epidemic of smallpox that was raging in the city. Hence the infectious district must have been very successfully converted into one entirely safe for the health.[2]

Possessed of no talents to secure him distinction in affairs civil or military, yet Governor Montgomerie's name, by a happy fortuity, has become immortalized in the annals of New-York City. While he ruled here peacefully and good-naturedly, the time came about for the granting of another city charter, to supplement as well as to confirm the one granted under Governor Dongan; and hence it has ever since been designated by his name. "This last charter," remarks Chancellor Kent, "is entitled to our respect and attachment, for its venerable age, and the numerous blessings and great commercial prosperity which have accompanied the due exercise of its powers."[3] It deserves, therefore, more than a passing notice. The discussion of its legal aspects and effects belongs to another chapter of this volume. Here we are concerned only with its historical setting, and the data are fortunately at hand for presenting this circumstantially.

After the important charter of 1686, granted under Dongan, another one of less importance, referring exclusively to the single matter of ferry privileges, was granted just twenty-two years later, in 1708, under Lord Cornbury. Now, in 1730, and again, by a curious coincidence, twenty-two years after, the corporation of New-York became solicitous for a new charter. There had always been some legal difficulty in the minds of the magistrates, because while the charter of 1686 had received the impress of the ducal seal of York, James II. had failed to put the royal seal to it. Accordingly, on August 6, the corporation laid before the governor and his council a petition for the issue of a charter by the hand and under the seal of George II. The petition specified the grants and privileges which it was desired to have confirmed or to obtain in addition. It was referred to a committee of which James Alexander, the father of the Lord Stirling of Revolutionary fame, was chairman. A week later, on August 13, the committee were ready with their report. A few alterations had been made in the wording of the document, also in the figures

[1] Doc. rel. Col. Hist. N. Y., 5 : 914–917. [2] Mrs. Martha J. Lamb, "History City of New-York," 1 : 536.
[3] "The Charter of the City of New-York, with notes thereon" (New-York, 1836), p. 120.

set down for quit-rents and other matters; it was thereupon unanimously agreed to grant or to recommend the granting of it as thus amended.[1] It was necessary, in the next place, to transmit the charter to England, to procure the approbation of the authorities there, and to receive the king's seal. Therefore it was not till February 11, 173⅞, that occurred the formal presentation of the new charter to the city. To the citizens of the metropolis this must ever remain an occasion of deep interest. The date itself is auspicious, being precisely one year before the birth of Washington.[2]

ANCIENT DUTCH TOWN, SHOWING CROW-STEPPED GABLES.

On the day mentioned, the mayor, recorder, aldermen, and assistant aldermen appeared in a body before the governor and his council. Robert Lurting, named in the instrument as mayor, stepped forward to receive the charter from the hands of the governor, and took the oaths of office administered by the latter. The mayor naming for the office of deputy-mayor one of the aldermen, John Cruger, his Excellency appointed him to the position at once. Next in the order of ceremonies was the reading of an address of thanks signed by all the members of the corporation, by Francis Harrison, the recorder. This historic paper, by reason of the importance of the occasion, is worthy of reproduction:

To his Excellency the Hon^ble^ John Montgomerie Esquire Captain General, etc., etc., etc. . . .

The goodness and indulgence which you have upon all Occasions express'd and Shewed to his Ma^ties^ Subjects in this Province first Encouraged us under an Adminis-

[1] Council Minutes, XVI : 31.

[2] In the O. S. February 11, 173⅞, was just one year before February 11, 173¾, which in the N. S., adopted in 1753, has become February 22, 1732.

tration w^ch^ Demonstrated your Paternal Love and Care for the people committed to your Government and Protection to become your Excellency's Humble Suitors for the Enlargement of the Rights Libertys Privileges & Franchises of this Corporation and Better and farther Security and Confirmation of the Severall Estates of many its worthy members upon all these Emergencyes your Excellency was Pleased to give us an uncommon Freedom of Access and his Majestyes royall and Most Gracious Charter will be a Lasting Monument of what your Excellency was frequently Pleased to Charge and inculcate to us that the Interest Honnour & Dignity of the Crown of Great Britain were the First and Principall things to be Considered in your own Proceedings upon this Grant & ought to be so in all ours.

May it please your Excellency Though the Existence of this Corporation be antient yet it Seems to have Rec'd its full maturity under your Excellencyes Administration and if wee Reflect on the Pain and Struggle which the Nation has Suffered for the Security of Religion Liberty and Property since the Date of our First Charter So near that Ever memorable [event] the Coronation of our great Deliverer King William the Third of Glorious and Immortal Memory Even to this Day we who by our distant Situation feel not the Imediate Influence of our Countrys Councills and inimitable actions have the justest Cause of Joy and Gratitude while under the Best and Gratest of Monarchs and his Representative Truly worthy of that great Title we See all these Blessings which Peace or War have Procured for great Brittain Derived to us by your Generous and Liberall hand guided and influenced by the Example of your Excellency's Royall Master.

May it please your Excellency.

your Just good and wise Administration would admitt us to Carry this allusion much farther but to Dwell upon Particulars would swell our thanks to the bulk of Benefitts received, yet our gratitude will not Suffer us to be Silent or unthankfull upon the great Addition made to our Privileges the new and Beneficiall Extent of our Soil and Jurisdiction and your Excellency's good and Provident Concession that the Exercise of the Law our Comon Bulwark & Security Should not hereafter become a Burden upon those whom it was Intended to Protect We shall no Longer trespass upon your Excellency's Time than by desiring leave to Assure your Excellency that our Lives and Fortunes are devoted to the Support & maintenance of the Crown of great Brittain in his Majesties most Sacred person and the Protestant Succession in his Illustrious house which we pray may be Established to the End of time in a race of Princes Descended from so great a Monarch and a Royall Consort the Ornament of her Sex and the Pattern and Example of all princely virtues we hope and Wee beseech Heaven for his Majesties Long life and Reign over us and that your Excellency may Continue his Representative here till he Shall call you to more arduous affairs and the blessing of a Nearer attendance on his Royall Person, We are etc. etc.

Signed by the Mayor, Recorder, Aldermen & Common Council.

As the leading idea of this speech or address was that the good nature or indulgence of the governor had induced the corporation to petition for the new charter during his term, Montgomerie was much gratified. He replied to it in the following words:

I am very glad that it has been in my power to promote the prosperity and interest of the city of New-York, which I believe I have effectually done by now delivering to your Mayor the King's royal and most gracious charter. It gives me great satisfaction my being fully assured that the officers named in the charter are fit for their respective trusts and will do their duty with a strict regard for his Majesty's service and the good of the city.[1]

[1] Council Minutes, XVI : 76.

Although this is not the place for treating of the charter in detail, a few points of a rather curious interest may be briefly noted. In the first place, we find that one ward has been added to the original six. It was parceled out of the generous proportions of the "Out Ward," and appropriately named, in honor of the present governor, the "Montgomerie Ward." But the Out Ward still remained, comprising all of Manhattan Island above Chambers street. It is distinctly laid down that the jurisdiction of the city shall extend across the waters on all sides of the island, to the low-water line on the Westchester, Long Island, and even New Jersey shores until opposite Spuyten Duyvil Creek, including also the islands in the vicinity of the city. The members of the corporation are carefully enumerated to include one mayor, one recorder, seven aldermen, seven assistant aldermen, one sheriff, one coroner, one common clerk, one chamberlain, one high constable, sixteen assessors, seven collectors, sixteen constables, and one marshal. If any person, after being appointed or elected to any of these offices, refused to serve, a fine of fifteen pounds ($75) was to be imposed, except in the case of such as had to furnish bondsmen. The mayor's office was not elective until more than a century later: he was appointed by the royal governor and later by the governor of the State; in 1834 occurred the first election of a mayor. But space will not allow, nor will it be necessary here, to pursue the summary of these minute details. The charter itself was a monumental factor in the development of the city. It stood through all the changes incident to the revolutionary period and that of the formation of our Federal Union. The Revolution, which meant for New-York British occupation for several years, suspended its functions temporarily. Yet the State Constitution of 1777, and that of 1821, confirmed it in all its essential particulars, so that, as Chancellor Kent wrote in 1836 (words which may equally apply to the present day): "It remains to this day with much of its original form and spirit, after having received by statute such modifications and such a thorough enlargement in its legislative, judicial and executive branches, as were best adapted to the genius and wants of the people, and to the astonish-

A COLONIAL TEA-SET OF GOLD.

ing growth and still rapidly increasing wealth and magnitude of the city."[1]

According to many of the historians of our city, there are three main events which distinguished Montgomerie's brief administration: the granting of the charter, the founding of a library, which finally developed into the New-York Society Library, and the establishment of a line of stages between New-York and Philadelphia. Due attention has been given to the first of these important matters. As to the third, it would appear from the latest history of Philadelphia published, that the date of the establishment of regular stage communication between New-York and that city must be placed at least two years after Montgomerie's death.[2] The library is a subject which reaches through more than one administration, and will therefore necessarily merit allusions or accounts more or less fugitive or detailed in subsequent chapters, as well as here.

A NEW-YORK GENTLEMAN.

In September, 1728, Governor Montgomerie received word that the private library of an English clergyman, the Rev. John Millington, had been bequeathed by him to the Society for the Propagation of the Gospel in Foreign Parts; and that the society — something like our present church boards of foreign missions, and evidently regarding New-York as included within its range of operations among the heathen — had decided to bestow Mr. Millington's gift of books upon the corporation of our city. There were a little over sixteen hundred of them, a fair number for a private library, but rather a modest beginning for a municipal one. Naturally the prevailing character was theological or devotional, though doubtless the "Wits of Queen Anne's Time"—Pope, Addison, Steele, Swift—found a place among them. These volumes, moreover, were not the first donation of this kind: a smaller collection, also formerly the private library of a clergyman, was already in the possession of the city. This had been presented in 1700 by the Rev. John Sharp, Lord Bellomont's chaplain in the fort. As this gentleman was still living, the authorities now gave into his charge the library as thus materially increased, quarters were assigned for it in the City Hall, and here access to it was given to the public at large. Mr. Sharp, however, being an aged man, did not long survive his appointment; and after his death no one was found

[1] Kent's "City Charter," p. 120.

[2] "History of Philadelphia, 1609–1884" (Scharf and Westcott, Phila., 1884, in 3 vols). 1 : 206.

either able or willing to take his place. Hence the City Library fell into sad neglect, until it was transferred to the keeping of the Society Library, organized in 1754, becoming thus the nucleus of the institution that still exists and flourishes in this city to-day.

To these particulars of special interest may be added a few others that have not received much notice hitherto. One of these is a statement of the annual amounts of imports to and exports from New-York between the years 1723 and 1728. This table was made up in November, 1729, and covers the period from Christmas to Christmas in each year:[1]

YEARS.	IMPORTS.	EXPORTS.
1723–1724	£21,191	£63,020
1724–1725	25,316	70,650
1725–1726	38,307	84,850
1726–1727	31,617	67,373
1727–1728	21,005	78,561

From this it can be seen, however limited the scale as compared with the prodigious figures of the present, that the business of New-York, while fluctuating from year to year during these five, yet was such that the balance of trade, or the amount of receipts, was always on the right side for the little colonial seaport, the exports being, by this showing, sometimes double, sometimes triple, and sometimes almost fourfold the imports. But taking the largest figure of these all, —the amount of exports for the year 1726, namely, £84,850, or roughly, $425,000,—what is that to the foreign commerce of the port of New-York according to the latest report, or $876,808,110? Turning to a subject of a more domestic interest, we find that during this administration a law had to be enacted to preserve a favorite article of food —the oyster. In a letter of Governor Montgomerie to the lords of trade, December, 21, 1730, there is an enumeration of acts passed by the assembly. "No. 9" in this series is "an Act for the better preservation of the oyster." In commenting on it, the governor wrote: "There was an Act of this kind formerly past in this province, during the continuance whereof the Oysters encreased to that degree, that the City of New-York was constantly supplyed in the proper season at easie rates, but since the expiration of it, the people being under no restraint, the Banks are almost destroyed. To preserve what is left, and to procure an increase is the design of this Act, which will be greatly to the advantage of this City, if it be duely observed."[2] The working of this act must have been beneficial, for Professor Kalm, the Swedish traveler, about fifteen or sixteen years later, discourses of the consumption of oysters in New-York as a feature worthy of special

[1] Doc. rel. Col. Hist. N. Y., 5 : 897. [2] Ib., 5 : 905.

note in his book. Finally, there needs to be set down here, as belonging to this period, an event of decided interest in the history of American manufactures. In the year 1730 there was built "on the fifth lot from the corner of Centre and Reade Streets" what is called in the records a "stone-ware kiln or furnace." It was in fact a smelting-furnace for the reduction of iron ore, the first not only in New-York City, but, it is claimed, in the United States. The lower portions of this structure, or the arch, were still to be seen under the foundations, or forming a part of the foundations, of the house occupying the spot in 1842, which was then in the use of the Manhattan Company.[1] Surely it is not well to despise the day of small things. What vast industries, whose clangor rises upon the atmosphere from day to day, whose unremitting demands supply the means of sustenance to thousands of diligent wage-earners, have succeeded this little furnace near the corner of Reade and Centre streets, whose black fumes were wont to hover over the still waters of the Kolk-pond!

On three different occasions the term of an incumbent of the governor's chair had been unhappily terminated by death. To that obituary list, comprising the names of Sloughter, Lord Bellomont, and Lord Lovelace, that of Montgomerie must now be added. There is no record of the cause of his decease; but in the summer of 1731 the frightful scourge of the smallpox, which so repeatedly visited both Europe and America and ruthlessly carried off multitudes before Jenner's day, again afflicted New-York. An epidemic which destroyed the lives of five hundred people out of a population of nine thousand, within comparatively a few weeks, was truly an appalling one. That plague which had not spared a queen upon her throne —for it was of the smallpox that Mary died in 1694—would not be unlikely to infect a governor's mansion. On June 20 he wrote his last letter to the authorities in England; and, curiously enough, in it he has occasion to mention the death of two councilors, one a member of the New-York council, the other of that of the province of New Jersey. His sickness must have been sudden and brief, for on July 1 he was dead; hence it is more than likely that he was attacked by the prevailing disease and fell a victim to its ravages. He died at five o'clock in the morning. The council had been summoned during the night, when it became imminent that his Excellency would pass away. At 6 A. M. they met in formal session in the council-chamber, with President Rip Van Dam in the chair; and the first act in the emergency was to consult Governor Montgomerie's instructions as to his successor in case of death. These were clear to the effect that until the next governor should arrive from England the duties of chief magistrate were to devolve upon the member who had been

[1] See note accompanying the illustration in Valentine's Manual for 1854, opposite p. 542.

longest in the council, and by virtue of which he was also president thereof. Hence the mantle of gubernatorial authority fell upon the worthy shoulders of Rip Van Dam;[1] and, in view of the subsequent controversy between Van Dam and Governor Cosby, it is worthy of remark that one point in connection with the succession was carefully considered and definitely settled. This was the emoluments of office to which President Van Dam would be entitled. When on September 3 the question of passing the warrant for the two months' salary came up, it was postponed for the consideration of the board when every member should be present, and the matter meantime referred to a committee of which Councilor De Lancey was chairman. The matter was also referred by message to the speaker of the assembly, who preferred to leave it to the decision of the council. Finally, on February 7, 173½, there is this entry on the minute-book: "The warrant for the payment of the Presidents Sallary being this Day moved to the Board and the reasons for and against the Presidents having the whole Sallary Settled on the late Governour

THE DUTCH CHURCH BELL OF 1731.[2]

[1] Council Minutes, XVI: 111; Doc. rel. Col. Hist. N. Y., 5: 840. On pp. 921 and 924 of the latter work, in two separate letters,—the one dated July 1 and the other September 11, 1731,—Van Dam's language would lead us to suppose that the governor died on June 30. In the former he says "who departed this life last night"; this might in the haste and confusion of the emergency have slipped inadvertently from his pen, as referring to Montgomerie's passing away so early in the morning. But on September 11 he is still more explicit: "I hope the accompt I transmitted to your Lord^{shipp} by the way of Boston and Bristol on the 1st of July last, of the death of our Late Gov^{r} Coll: Montgomerie, being the next day after his decease, has been laid before your Lord^{shipp}." Still the record in the Council Minutes must be decisive; that reads (in loco cit.) in the entry of July 1, 1731, after stating that the Board convened at 6 o'clock A. M., that his Excellency "about an hour ago departed this life."

[2] This bell was cast in Amsterdam in 1731, silver coin being melted as a part of the bell-metal. It was purchased by money bequeathed for that purpose by Colonel Abraham De Peyster, who died in 1728. The inscription is as follows: "Me fecerunt De Gravae et N. Muller, Anno 1731. Abraham De Peyster, geboren den 8 July, 1657, gestorven den 8 Augustus, 1728. Een legaat aan de Nederduytsche Kerke, Nieuw York." [Made by De Graaf and N. Muller, Anno 1731. Abraham De Peyster, born July 8, 1657, died August 8, 1728. A legacy to the Dutch Church, New-York.] Mr. John Oothout, a member of the church, hid the bell during the occupation of the British. It was replaced after the evacuation in 1783, was removed to the Ninth street Reformed Church in 1844, thence to the Lafayette Place Collegiate Reformed Church in 1855, and again in 1872 to the Forty-eighth street and Fifth Avenue Church, where it now peals forth the hours of service on the Sabbath and other days.

being read and Maturely considered of, It is the opinion of the Board that the President is Entitled to the whole Sallary and afterwards a Warrant for paying the President the Sum of £390 for his Quarters Sallary after having been read was signed by his Honour."[1]

Ere we pass on to President Van Dam's interregnum, a few words more must be devoted to the deceased governor. On July 6 the council took measures for the proper disposition of the effects of the departed. It is learned from this action that Governor Montgomerie was entirely without wife or family. No very near relation even formed a part of his household. A Mr. Avery, one of the gentlemen in waiting on him at the executive mansion, was summoned, in order to ascertain whether his Excellency had left a will. Avery knew of none, but gave information of the presence in the province of a distant relative, a Mr. Charles Home. In the name of the latter letters of administration of the governor's estate were granted, and an inventory of the effects was made.[2] This inventory is still on record, and affords an interesting insight into the character of the appointments and appurtenances of a governor's mansion and state. The list includes no less than sixteen horses, with elegant sets of harness for occasions of state, as well as of a more serviceable kind for traveling purposes, and a coach and chaise. The other notable items are twenty-five hundred dollars' worth of wines and liquors, and a library set down at one thousand dollars, and composed of fourteen hundred volumes. The possession of such an extensive private library was as rare as it was remarkable outside of the learned professions; but that it should have been possessed by a gentleman constantly alluded to as rather distinguished for his lack of ordinary intelligence for one in his station, is quite unaccountable.

For the origin of the Van Dam family we must look to Albany, New-York. There one Claes Ripse Van Dam attained prominence as a successful trader among the Indians before the Dutch rule ended. His son Rip was born at Albany about the year 1670.[3] Twenty years later he has already attained some standing among men of business and position in New-York; and he is on the side of the old council against Leisler, upon a petition adverse to whom his name appears. This political affiliation remains the same under Bellomont. Having had experience of the sea as a captain of trading-vessels of his own, he, as a growingly prosperous merchant, with vessels to despatch on more extended voyages than those earlier ones to the West Indies, naturally came into conflict with Lord Bellomont's rigorous applica-

1 Council Minutes, XVI : 178.

2 Ib., p. XVI : 113.

3 John Austin Stevens, in his "Colonial New-York: Sketches Biographical and Historical" (New-York, 1867, p. 105, says of Rip Van Dam's birth, "at what date is now unknown." But in young Lewis Morris's letter to the lords of trade of July 19, 1729 (Doc. rel. Col. Hist. N. Y., 5 : 886), the statement is positively made that Mr. Rip Van Dam was "about sixty." This seems to make it safe to put the date of his birth about the year 1670.

tion of the English trade acts. His vessels were seized as those of others were, and he himself, as an anti-Leislerian, could consistently take satisfaction in bearing a part in the opposition to the earl. So under Cornbury he continued of the court party, being appointed to a seat in the council on that governor's arrival in 1702. Therefore, at the time of Montgomerie's death in 1731, Rip Van Dam had been for twenty-nine years a councilor. He was now a person of large wealth and, to judge from his portrait, a man of aristocratic bearing, but benevolent, and certainly very handsome. His wife, too, was a lady of pure Dutch extraction, and they had a large family of children,—according to some accounts no less than fifteen, although these did not all live to maturity. But the strangest thing about his elevation to the office of acting governor of an English province, and that which throws a flood of light upon conditions in the old Dutch city, is that Mr. Van Dam was not very familiar with the English language. A not unfriendly critic, speaking of him and of another member of Montgomerie's council in regard to this matter, remarks: "If they understand the common discourse, 't is as much as they do."[1] If this seem almost incredible, it is to be remembered that it was not till thirty-four years after this date that the first English sermon was preached in a Dutch Reformed church, by an English-speaking pastor of that church; and the calling of that pastor had caused such a bitter opposition that it entailed a lawsuit even after his arrival in the city. President Van Dam was a member of that old church, all his numerous offspring being recorded on its registers of baptism.

The acting governor's rule lasted just thirteen months. It was distinguished by but two events deserving of note. One took place at a distance from the city, but it might have seriously affected its safety, and it bore hard upon the honored president's reputation for efficiency until within a few years. The subtle French, unrestrained by the Treaty of Utrecht, and anticipating the inevitable rupture of the peace, had audaciously descended the Lake of Champlain, and built a fort at Crown Point, near its southern extremity. It would be but an easy march to strike a blow at Albany from this coign of vantage, and a further descent of the broad Hudson would give them access to New-York itself. The historian William Smith, an Englishman writing about a Dutchman, and seeking his authorities among New England papers, avers that Van Dam, "distinguished more for the integrity of his heart than his capacity to hold the reigns of government," had been, so to speak, "caught napping" by these nimble French, and knew nothing of the perilous move until informed thereof by Governor Belcher of Massachusetts. But documentary evidence, existing at Albany, and collected by Mr. Brodhead in London, as well

[1] Doc. rel. Col. Hist. N. Y., 5 : 886.

as the minutes of the assembly, prove that Van Dam had procured the information and transmitted it to the latter body for action to be taken, months before Governor Belcher's letter reached him. He sent Belcher's letter to the assembly on February 4, 1732. On September 30, 1731, he had sent the previous communication to that body. And on November 2, 1731, his letter to the lords of trade contained an account of an "Act for fortifying the City of Albany."[1]

It was a proud period for the Dutch population and Church, when one of their own number had been raised to the supreme seat in the province. One evidence of the fact that this was their feeling is a plate

VIEW OF NEW-YORK IN 1732.

of a new Dutch church which was "dedicated" to him in 1731.[2] The church in Garden street was now nearly forty years old, and the increasing population demanded another edifice. A large plot of ground on the east side of Nassau street, extending from Cedar to Liberty street, was purchased for five hundred and seventy-five pounds. Building thereon was begun soon after and the corner-stone laid early in 1727. The church was so far completed in 1729 as to make it possible to hold services in it. But it was not finished until 1731, when the plate of it was made and appropriately inscribed to President Van Dam. The eyes of many now living in New-York city have looked upon this same structure, or so much of it as rose above the crowd of secular adjuncts which aided in converting its sacred precincts into the New-York Post-office.

The prudent, wise, and unassuming administration of affairs by the acting governor continued that state of good feeling, and promoted

[1] Stevens's "Biographical Sketches," p. 107; Doc. rel. Col. Hist. N. Y., 5 : 927.

[2] The reader is warned not to make the mistake in reading this sentence which a recent historian has made, in recording it as a fact that the *church*, not the *plate*, was dedicated to Van Dam. Their adulation of their esteemed countryman would hardly have carried the pious Dutch people to this blasphemous extravagance.

ROYAL SEAL ATTACHED TO THE MONTGOMERIE CHARTER.

that abatement of partizan bitterness, as well as of fretful opposition of popular rights to real or fancied encroachments of royal prerogative, which had been realized under Montgomerie. On February 4, 173½, the lords of trade wrote to President Van Dam that his Majesty had been pleased to appoint Colonel William Cosby to succeed the deceased governor, and in August, 1732, he arrived in New-York. Now the days of peace were over, and the battle which then was resumed had no end until there was an end to the coming of colonial governors altogether.

NUMBER OF INHABITANTS IN Y^E^ PROVINCE OF NEW YORK, ANNO 1731: IS 50289, BESIDES INDIANS.[1]

1731. SHERIFFS.	CITIES and COUNTIES.	WHITES.					BLACKS.					The number of whites and blacks in each County.
		Males above 10 years.	Females above 10 years.	Males under 10 years.	Females under 10 years.	No. of whites in each County.	Males above 10 years.	Females above 10 years.	Males under 10 years	Females under 10 years.	No. of blacks in each County.	
Henry Beekman	New-York	2628	2250	1143	1024	7045	599	607	186	185	1577	8622
Goshen Van Schaick	Albany	2481	1255	2352	1212	7300	568	185	346	174	1273	8573
Thomas Hicks	Queens	2239	2175	1178	1139	6731	476	363	226	199	1264	7995
David Corie (715 Indians)	Suffolk	2144	1130	2845	955	7074	239	83	196	83	601	7675
Gilbert Willet	Westchester	1879	1701	1054	707	5341	269	96	176	151	692	6033
John Wyncoop	Ulster	990	914	577	515	2996	321	196	124	91	732	3728
Dominick Van Der Veer	Kings	629	518	243	268	1658	205	146	65	76	492	2150
William Pullen	Orange	627	534	325	299	1785	85	47	19	33	184	1969
Charles Gerretsen	Richmond	423	571	263	256	1513	111	98	51	44	304	1817
William Squire	Duchess	573	481	263	298	1615	59	32	13	8	112	1727
		14613	11529	10243	6673	43058	2932	1853	1402	1044	7231	50289

[1] Copied from an original contemporaneous document belonging to General De Peyster.

DESCRIPTION OF NEW-YORK, 1737

(From Bradford's New-York Gazette, No. 627)

This letter is directed "For the Kingdom of Ereland, in the North of Ereland, near to Aughnacloy, in the County of Tyrone, To Baptist Boyd, the Reverend Minister of the Gospel, in the Parish of Aughelow. Let aw Persons that see this, tak Care to send it to the Reverend Baptist Boyd, Minister of Gospel, in the Parish of Aughelow in the County of Tyrone, living near Aughnacloy. With Care."

NEW YORK CITY, November 7, 1737.

Reverend Baptist Boyd.

Read this Letter, and look, and tell aw the poor Folk of your Place, that God has open'd a Door for their Deliverance; for here is ne Scant of Breed here, and if your

Sons *Samuel* and *James Boyd* wad but come here, they wad het more Money in ane Year for teechin a Letin Skulle, nor ye yer sell wat get for Thrre Years Preechin whar ye are, Reverend *Baptist Boyd*, there ged ane wee me in the Ship, that now gets ane Hundred Punds for ane year for teechin a Letin Skulle, and God kens, little he is skilled in Learning, and yet they think him a high learned Man. Ye ken I had but sma Learning when I left ye, and now wad ye think it, I hea 20 Pund a Year for being a Clark to *York Meeting-House*, and I keep a Skulle for wee Weans: Ad dear Sir, there is braw Living in this same *York* for hig learned Men: The young Foke in Ereland are aw but a Pack of Couards, for I will tell ye in short, this is a bonny Country, and aw Things grows here that ever I did see grow in Ereland; and wee hea Cows, and Sheep and Horses plenty here, and Goats, and Deers, and Racoons, and Moles, and Bevers, and Fish, and Fouls of aw Sorts: Trades are aw gud here, a Wabster gets 12 Pence a Yeard, a Labourer gets 4 Shillings and 6 Pence a Day, a Lass gets 4 Shillings and 6 Pence a Week for spinning on the wee Wheel, a Carpenter gets 6 Shillings a Day, and a Tailor gets 20 Shillings for making a Suit of Cleaths, a Wheel-wright gets 16 Shillings for making Lint Wheels a Piece, Indian Corn, a Man wull get a Bushell of it for his Day's Work here; Rye grows here, and Oats and Wheet, and Winter Barley, and Summer Barley; Buck Wheet grows here, na every Thing grows here. . . . . Now I beg of ye aw to come our here, and bring our wee ye aw the Cleaths ye can of every Sort, beth o' Linnen and Woollen, and Guns, and Pooder, and Shot, and aw Sorts of Weers that is made of Iron and Steel, and Tradesmen that comes here let them bring their Tools wee them, and Farmers their Plough Erons; a Mason gets 6 Shillings a Day: fetch Whapsaws here, and Hatchets, and Augurs, and Axes, and Spades, and Shovels, and Bibles, and Hammers, and Fsalm Bukes, and Pots, and Seafaring Books, and setch aw Sorts of Garden Seeds, Parsneps, Onions, and Carrots; and Potatoes grows here very big, red and white beth, fetch aw the Bukes here you can get, fetch a Spade wee a Hoe, made like a stubbing Ax, for ye may clear as muckle Grund for to plant Indian Corn, in ane Month, as will maintain Ten Folk for a Year. Dear Reverend *Baptist Boyd*, I hea been 120 Miles in the Wolderness, and there I saw a Plain of Grund 120 Miles lang, and 15 Bred, and there never grew nor Tree upon it, and I hea see as gud Meedow grow upon it, as ever I see in *Ereland*. There is a great wheen of the Native Folks of this Country turned Christians, and will sing the Psalms bonely, and appear to be Religiouss that gee Ministers plenty of S'kins for his Steepend, and he gets Siller plenty for the S'kins again; Deer Skins and Bear Skins: Ye may get Lan here, for 10 Pund a Hundred Acres for ever, and Ten Years Time tell ye get the Money, before they wull ask ye for it; and it is within 40 Miles of this *York* upon a River Side, that this Lan lies, so that ye may carry aw the Guds in Boat to this *York* to sell, if ony of you comes here it is a very strong Lan, rich Ground plenty of aw Sorts of Fruits growing in it, and Swin plenty enough: There ary Cay, and Stirks, and Horses that are aw wild in the Wolderness, that are aw yer can when ye can grip them; desire my Fether and Mether too, and my Three Sisters to come here, and ye may acquaint them, there are Lads enough here, and bid my Brether come, and I will pay their Passage; Desire *James Gibson* to sell aw he has and come, and I weel help him too; for here aw that a Man works for his ane, there are ne revenus Hunds to rive it free us here, ne sick word as Hebringers is kend here, but every yeu enjoys his ane, there is ne yeu to tak awa yer Corn, yer Potatoes, yer Lint or Eggs; na, na, blessed be his Name, ne yen gees Baus for his ane here.

I bless the Lord for my safe Journey here, I was Cook till the Ships aw the Voyage, we war Ten Weeks and Four Days on the Sea before we laned; this York is as big as twa of Armagh; I desired to be remembered to aw my Friends acqvaintance, my Love to your sel Reverend *Baptist Boyd*, and aw yer Family; I do desire you to lent this letter to *James Broon*, of *Drumern*, and he kens my Brother *James Gibson*, and he weel gee him this Letter: It shall be my earnest Request yence mere, to beg of ye aw to come

here. I did value the See ne mere than dry Lan; Ler aw that comes here put in gud Store of Oten Meel, and Butter, and Brandy, and Cheese, and Viniger, but above aw have a Writing under the Han of the Capden of the Ship ye come in; If I war now in Ereland, I wad ne stay there, yet I think to gang there as Factor for a Gentleman of this City of *York*, he my Relation by my Fether, he is Returney of the Law here. There is Servants comes here out of *Ereland*, and have serv'd their Time here, wha are now Justices of the Piece; I wull come to *Ereland* gin the Lord spare me about Twa years after this, and I wull bring Rum, and Staves for Barals, and Firkins, and Tanners Bark for to sell, and Money other Things for this Gentleman, and my sel, for I wull gang Super Cargo of the Ship, so that if nene of ye come I will bring ye aw wee my sel, by the Help of the Lord.

Now I have geen you a true Description of this *York*, luke the 8th Chapter of *Deuteronomy*, and what it saith of the Lan there. this is far better: Now this is the last of 6 Sheets I hea writt to you on this Heed, I hope that you Fether wull be stoot and come, and aw that I have named, fear ne the See, trust in God, and he wull bring ye safe to shore, gin to plees him, now the Lord make ye se to do. Ne mere fre me, but my Duty till my Fether and Mether, and my Sisters and Brether, and yence mere my kind Love till yer self, Reverend Mr. *Baptist Boyd;* if any yen sends me a Letter, direct till Mr. *John Pemberton*, Minister of the Gospel in *New-York*, send it wee ony Body comin till ony of these Parts, and let it be given to the Post-Hoose in *America*, and I will yet it fre *John Pemberton*, and now my Love till ye aw.

JAMES MURRAY.

LIST OF CITIZENS OF NEW-YORK

ADMITTED AS FREEMEN BETWEEN THE YEARS 1683 AND 1740

1695. Aske, Benjamin
1695. Apple, Hendrick
1696. Abeel, John
1696. Allison, Thomas
1698. Aerentse, Peter
1698. Ariantse, John
1700. Atwood, William
1700. Atwood, Leigh
1701. Allison, Robert
1705. Allaire, Alexander
1710. Aspinwall, Joseph
1716. Anthony, Henricus
1716. Arden, James
1720. Allaire, Lewis
1721. Anthony, Allard
1726. Anthony, Nicholas
1721. Abrahamsen, John
1731. Alexander, James
1731. Abeel, David
1735. Anderson, Jochem
1735. Allen, Thomas
1735. Apple, John
1735. Anderson, Edward
1737. Amerman, Albert
1737. Amerman, Dirck
1737. Alsteyn, Abraham, Jr.
1737. Aspinwall, John
1737. Anderson, Peter
1737. Alsteyn, Johannes
1738. Axson, William
1683. Burling, Edward
1687. Boudinot, Elias
1691. Blydenburgh, Joseph
1691. Blydenburgh, Benjamin
1694. Bickley, William, Sr.
1695. Brooke, Chidley
1695. Buckley, John
1695. Basford, John
1695. Brevoort, Hend'k I.
1695. Blanck, Jurien
1698. Burger, Harmanus
1698. Beekman, John
1698. Brazier, Abraham
1698. Brevoort, Elias
1700. Broughton, Sampson S.
1700. Broughton, Sampson
1701. Benson, Harmanus
1701. Bayard, Jacobus
1702. Benson, Sampson
1702. Bissell, William
1702. Borrow, John
1706. Bradhurst, Jonathan
1708. Bickley, May
1708. Bradford, Andrew
1713. Brock, Abraham
1715. Beekman, Gerardus
1716. Burnett, John
1716. Byvanck, Anthony
1696. Bickley, Wm., Jr.
1696. Bancker, Evert
1696. Bradford, Samuel
1698. Bogardus, Everardus,
1698. Boudinot, Elias
1698. Boudinot, Peter
1698. Bresteede, Simon
1698. Budyan, Arthur
1698. Blanck, Nicholas
1698. Bogaert, Claes
1734. Beekman, John
1734. Burger, Nicholas
1734. Blackledge, Philip
1735. Bender, Matthias
1735. Bowne, Robert
1735. Benson, Benjamin
1735. Bonee, Francis
1735. Beek, William
1735. Bant, Peter
1735. Bant, John
1735. Boree, Isaac
1735. Barheit, Andries
1735. Brewer, Cornelius
1735. Brisner, James
1735. Beekman, William
1735. Benson, Sampson
1735. Brown, Samuel
1736. Bevens, John
1717. Bedlow, Isaac
1720. Burnet, William
1720. Bedlow, Peter
1722. Brouwer, Sebrant
1724. Boelen, Abraham
1724. Beekman, William
1725. Bradhurst, Samuel
1727. Blagge, Edward
1729. Browne, John
1729. Boyle, Solomon

1731. Benson, Sampson
1731. Brinkerhoff, Joris
1731. Bancker, Adrian
1731. Byvanck, Evert
1732. Beekman, Henry
1733. Bayard, Stephen
1734. Burger, Johannes
1734. Bayard, Nicholas
1734. Byvanck, John
1734. Brazier, John
1734. Beekman, Charles
1734. Bogaert, Arie
1738. Bowyer, Samuel
1738. Brouwer, Everardus
1739. Bell, Samuel
1739. Burger, Daniel
1739. Bogert, John, Jr.
1739. Bicker, Victor
1739. Benson, John
1739. Burn, George
1736. Brown, Thomas
1736. Brown, William J.
1736. Bloom, John
1736. Brown, James
1736. Bayard, Samuel
1737. Blanchard, John
1737. Brass, Adolph
1737. Bissett, John
1737. Bant, William
1737. Bush, Peter Jno.
1737. Brevoort, Elias
1737. Bogaert, Cornelius
1737. Brevoort, Henry
1737. Bant, Martin
1737. Benson, Robert
1737. Boeke, Abraham
1737. Bant, Peter, Jr.
1737. Burger, Renier
1738. Burger, Caspar
1738. Bush, Barent
1738. Bartlett, William
1738. Boeke, Isaac
1739. Bailey, Nicholas
1739. Bedlow, Isaac
1739. Beekman, Gerardus, Jr.
1739. Byvanck, Evert
1739. Burris, Abraham
1739. Benson, Abraham
1739. Burger, John
1693. Chambers, Thomas
1695. Clarkson, Matthew
1696. Cuyler, Johannes
1698. Clarke, Thomas
1698. Cock, Jacobus
1698. Clock, Albert
1698. Couwenhoven, Cornelius
1698. Crigier, Martin
1699. Couwenhoven, Joh's
1699. Crosevelt, Bay
1700. Cooper, Caleb
1700. Cozens, Barne
1701. Cholwell, John
1701. Cornelisen, Johannes
1702. Cebra, James
1702. Cornbury, Viscount
1702. Cruger, John
1702. Crawford, Patrick
1711. Chardavoyne, Stephen
1734. Carr, William
1735. Cregier, Simon
1735. Constable, John
1735. Cazalet, John
1735. Cooke, Dirck
1735. Cosby, William
1735. Clopper, John
1735. Cure, John
1735. Cowley, Joseph
1735. Campbell, James
1736. Cavalier, John
1736. Child, Francis
1736. Cousine, William
1737. Crooke, Charles
1737. Crooke, Gabriel
1737. Clarke, Robert
1737. Clopper, Andrew
1737. Cannon, Peter
1737. Crolius, William
1716. Crannell, Robert, Jr.
1724. Cuyler, Henry
1724. Cortland, Philip
1727. Campbell, Archibald
1727. Clarkson, David
1727. Clarkson, Matthew
1728. Chambers, John
1729. Channing, William
1730. Clock, Martin
1734. Cox, John
1737. Crolius, Peter
1737. Colegrove, William
1738. Clopper, Cornelius
1738. Cohen, Abraham M.
1738. Charlton, James
1738. Cregier, John
1738. Cook, Richard
1738. Colwell, William
1739. Croker, John
1692. Droilhet, Paul
1698. De Peyster, Isaac
1698. De Klyn, Leonard H.
1698. Delamontagnie, John
1698. Duychink, Evert
1698. De Peyster, Johannes
1699. De Hart, Matthias
1699. Duychink, Garret
1700. D'Harriette, Benjamin
1700. De Witt, Daniel
1701. Davenport, Thomas
1702. Denne, Christopher
1702. Davis, William
1708. Delucena, Abraham
1712. Dugdale, William
1713. Dupre, James
1715. Delamontagnie, John, Jr.
1717. Duane, Anthony
1721. Dyer, John
1724. De Foreest, Barent
1726. Dart, Thomas
1726. Delamontagnie, Isaac
1728. De Witt, John
1730. De Peyster, Isaac
1731. Delancey, James
1731. Duychinck, Gerardus
1734. De Foreest, Henry
1734. Dobbs, Adam
1734. De Foreest, Isaac
1735. De Riemer, Steenwyck
1735. De Foreest, Nicholas
1735. De Boogh, John
1735. Davy, James
1735. De Foreest, Jesse
1736. Dunscomb, Samuel
1737. Delancey, Stephen, Jr.
1737. Delancey, John
1737. De Hart, Balthazer
1737. Duncan, Thomas
1737. Droite, William
1738. De Mill, Joost
1738. Dever, William
1739. Dobbs, William
1739. Dobbs, Charles
1691. Ellison, John
1698. Emott, James
1698. Euwatse, John
1698. Ellis, Joseph
1700. Everts, John
1700. Ebbets, Daniel
1715. Elsworth, George, Sr.
1715. Elsworth, George, Jr.
1717. Euwatse, Euwatse
1721. Eyres, Nicholas
1722. Ellison, John
1725. Elsworth, Theophilus
1735. Eager, Richard
1735. Eckerson, John
1737. Euwatse, John
1737. Elsworth, John
1737. Eastham, John
1738. Earle, Marmaduke
1738. Eustie, Thomas
1738. Elsworth, Theophilus
1739. Ebbets, Richard
1739. Elsworth, George
1739. Edmonds, William
1739. Earle, John
1696. Fletcher, Governor
1698. French, Philip
1699. Faneuil, Benjamin
1715. Fell, Thomas
1717. Foster, Benjamin
1734. Fell, Christopher
1735. Fine, Frederick
1735. Farmer, Jasper
1736. Field, Thomas
1638. Fresnau, Andrew
1638. Frazier, Thomas
1638. Fleming, Thomas
1739. Fosseur, Matthias
1696. Gracie, Matthew
1698. Graham, James
1698. Graham, Augustyn
1698. Goelet, Jacobus
1698. Gouverneur, Abraham
1698. Gouverneur, Isaac
1707. Gasherie, John
1713. Graham, John
1714. Garland, Thomas
1721. Glover, William
1726. Goelet, Jacob
1727. Gomez, Daniel
1728. Gilbert, Thomas
1728. Groesback, John
1728. Gouverneur, Nicholas
1731. Goelet, Philip
1734. Gardiner, Isaac
1734. Grant, William
1735. Goelet, Raphael
1735. Gombauld, Moses
1735. Garnier, Isaac
1736. Gale, William
1736. Gilbert, Aaron

1737. Gilbert, John
1738. Gardner, Daniel
1738. Gasherie, John
1739. Gilbert, William, Jr.
1683. Holland, Samuel
1692. Heathcote, Caleb
1695. Hamilton, Andrew
1695. Honan, Daniel
1696. Hooghland, Adrian
1698. Hyer, Walter
1698. Hyer, Gerrit
1698. Hyer, William
1698. Hooghland, Johannes
1698. Hardenbrook, Johannes
1698. Hardenbrook, Johannes
1731. Harrison, Francis
1734. Huggeford, Thomas
1734. Hawkshurst, William
1734. Hanus, Joseph
1734. Harris, Robert
1735. Hopson, Samuel
1735. Hinman, John
1735. Hays, David
1735. Hays, Judah
1735. Hartell, Christian
1736. Hayes, William
1736. Hardman, Jonathan
1698. Hardenbrook, Bernardus
1699. Heermans, Folkert
1708. Hammond, William
1708. Harrison, Francis
1710. Hunter, Robert
1714. Holland, Henry
1714. Hyat, John
1719. Harrison, Robert
1725. Hays, Jacob
1729. Hunt, Obadiah, Jr.
1729. Hillyer, John
1737. Henley, Charles
1737. House, William
1737. Hayward, Thomas
1737. Hazard, Nathaniel
1737. Hyer, Aaron
1737. Hyer, Garret
1737. Hyer, Walter
1737. Hyer, Frederick
1738. Houghton, Richard
1738. Hibon, Peter
1738. Ham, Anthony
1738. Ham, Uriah
1737. Hogg, Robert
1737. Hitchcock, William
1739. Harris, Richard
1695. Jamain, Nicholas
1695. Janeway, William
1696. Jamison, David
1700. Jay, Augustus
1702. Johnson, John
1731. Jamison, William
1732. Jay, Peter
1734. Johnson, Simeon
1734. Jacobs, Samuel
1736. Jarratt, James
1737. Jenkins, Henry
1737. Johnson, Jacobus
1738. Jones, James
1738. James, Thomas
1695. Kemble, John
1698. Kiersted, Cornelius
1698. Kip, Petrus
1698. Kip, Isaac
1698. Kiersted, Jacobus
1698. Kiersted, Hans
1702. Kiersted, Jacobus
1710. Kearney, Thomas
1720. Kip, Isaac
1724. Kip, Jacobus
1730. Kip, Samuel
1734. Kip, Abraham
1734. Kip, Petrus
1735. Keeling, James
1735. Kip, Jacob
1735. Kermer, Henry
1737. Kip, Richard
1737. Koning, Johannes
1737. Kiersted, Jacobus
1739. Kingston, John
1739. Kiersted, Luke
1739. Killmaster, James
1739. Ketchum, William
1688. Le Boyteaux, Gabriel
1698. Ling, Matthew
1698. Le Chevalier, John
1696. Lansing, Garret
1698. Lewis, Leonard
1698. Lewis, Thomas
1698. Low, Albert
1698. Low, Peter
1701. Leisler, Jacobus
1708. Lynch, Anthony
1708. Lovelace, Lord
1708. Lyndsey, John
1709. Livingston, Robert
1716. Livingston, Gilbert
1722. Le Roux, John
1724. Le Roux, Charles
1727. Lowry, James
1728. Lurting, George
1730. Lucas, Friend
1730. Lindesay, John
1730. Lodge, Abraham
1731. Lurting, Robert
1731. Lamb, Anthony
1734. Lynch, Peter
1734. Legrange, Christian
1735. Lewis, Samuel
1735. Legrange, Johannes, Jr.
1735. Lynsen, Gideon
1735. Lyne, James
1735. Lamberts, Lawrence
1736. Langdon, Richard
1737. Lynsen, Daniel
1737. Letellier, Lawrence
1737. Leslie, John, Jr.
1738. Leisher, Charles
1738. Lyell, William
1738. Lush, John
1738. Lawrence, Stephen
1738. Lane, William
1738. Lane, Henry, Jr.
1738. Lawrence, Henry
1739. Le Roux, Bartholomew
1739. Lloyd, John
1695. Matthews, Peter
1695. Morris, John
1695. Monsey, Thomas
1695. Mills, James
1696. Morehead, William
1698. Merritt, William
1698. Merritt, John
1698. Morris, William
1698. Messier, Abraham
1698. Meyer, Hermanus
1698. Meyer, Johannes
1698. Mesier, Peter J.
1698. Maerschalck, Andries
1734. Maerschalck, Peter
1734. Moore, Benjamin
1734. Meyer, Jacob
1735. Miller, Caleb
1735. Marrell, Robert
1735. Meyer, Andrew
1735. Mattock, Isaac
1735. Maerschalck, Abraham
1735. Meyer, Andrew
1735. Ming, Thomas
1735. Mills, James
1699. Montagnie, Thomas
1708. Mompesson, Roger
1710. Martindale, James
1712. Maxwell, James
1714. Matthews, Fletcher
1714. Minvielle, David
1716. May, William
1724. Messier, Peter
1728. Montgomery, John
1728. Murray, Joseph
1730. Moore, John
1734. Marston, Nathaniel, Jr.
1734. Marshall, John
1737. Milliner, William
1737. Maerschalck, John
1737. Morss, Gerrit H.
1737. Maerschalck, Francis
1738. Mann, John, Jr.
1738. Mills, Abraham
1738. Myer, Johannes
1738. Mears, Judah
1738. Maguire, Matthew
1738. Murphy, Nicholas
1739. Machade, Aaron
1683. Nessepot, Jasper
1698. Noell, Thomas
1698. Nerberry, John
1699. Nessepot, Jasper, Jr.
1700. Nisbett, Robert
1701. Nanfan, John
1715. Noxon, Thomas
1722. North, William
1724. Nixon, Thomas
1725. Nesbitt, James
1727. Noble, John
1730. Nicolls, Richard
1734. Norwood, Richard
1736. Noble, Thomas
1739. Noble, Richard
1698. Olpherts, Suert
1698. Onclebagh, Gerrit
1701. Outman, Johannes
1713. Oostrander, Johannes
1732. Oothout, John
1737. Oates, Samuel
1738. Owen, Jeremiah
1683. Paulding, Joost
1695. Phipps, Benjamin
1698. Palmer, Thomas
1698. Pell, Thomas
1698. Provoost, Benjamin
1698. Provoost, David
1698. Paxton, Alexander

1698. Provoost, Jonathan
1698. Provoost, Johannes
1698. Pell, William
1698. Provoost, Jacob
1710. Peck, Benjamin
1716. Paulding, Abraham
1724. Pennyman, Joseph
1725. Pintard, John Lewis
1732. Perot, Philip
1732. Phoenix, Alexander
1735. Pepper, Mark
1735. Palmer, Thomas
1735. Paulding, Joseph
1735. Pell, Samuel
1736. Parcell, William
1736. Peeck, William
1737. Peisley, Jonathan
1737. Perfect, James
1737. Peffer, John
1698. Phoenix, Jacob
1699. Provoost, William
1699. Parmyter, Parenlis
1701. Peartree, William
1701. Parkinson, Robert
1737. Proctor, William
1737. Phoenix, Jacob, Jr.
1737. Pelletrau, Paul
1737. Provoost, David, Jr.
1737. Provoost, John
1737. Provoost, Giddes
1737. Popelsdorf, William
1737. Plowman, Peter
1737. Price, John
1738. Provoost, Robert
1738. Parcell, Abraham
1739. Provoost, Peter Praa
1739. Peet, William
1739. Parent, Lewis
1734. Quey, Edward
1737. Quackenbush, Benj., Jr.
1737. Quick, Abraham
1738. Quick, James
1739. Quick, John
1691. Reade, Lawrence
1696. Rutgerson, Harman
1696. Randell, William
1696. Rodriques, Isaac
1698. Roosevelt, Nicholas
1698. Roos, Gerrit Jansen
1698. Roome, John Willemse
1699. Rutgers, Anthony
1700. Robertson, William
1708. Regnier, Jacob
1708. Robinson, Joseph
1710. Roy, John
1710. Reill, Joseph
1712. Robinson, Robert
1736. Rice, Lawrence
1737. Roosevelt, John, Jr.
1737. Ruston, Peter
1738. Rhuel, Gustavus
1738. Rodriques, Isaac R.
1738. Roome, Lawrence
1738. Roberts, John
1738. Redding, Jeremiah
1738. Ratsey, Robert
1724. Roos, Garret
1725. Rutgers, Petrus
1728. Robinson, Charles
1732. Robins, John
1733. Rynders, Barent
1734. Roome, William
1734. Rutgers, Hermanus, Jr.
1734. Rutgers, Henry
1734. Richardson, William
1734. Roome, Luke
1735. Row, Henry
1735. Rout, Thomas
1735. Roome, Lawrence
1736. Richard, John
1738. Rigby, Thomas
1738. Richardson, William,
1738. Rutgers, Anthony, Jr.
1738. Rousby, William
1738. Ruffhead, James
1739. Roome, Arnout
1739. Roosevelt, Nicholas
1739. Richards, Samuel
1740. Roosevelt, Nicholas
1691. Staats, Samuel
1695. Sharpas, William
1695. Smith, Joseph
1695. Schuyler, Aaron
1696. Stevens, John
1698. Suert, Olpherts
1698. Sickles, Zachariah
1698. Sanders, Robert
1698. Sinkam, Peter, Jr.
1698. Schenck, Johannes
1701. Smith, William
1701. Symes, Lancaster
1702. Schuyler, Garret
1702. Scott, John
1702. Stuckey, Andrew
1707. Sharpas, Charles
1708. Staples, John
1708. Stevens, John
1712. Salisbury, Humphrey
1715. Sebring, Frederick
1719. Schermerhorn, Arnout
1721. Smith, William, Jr.
1724. Santford, Cornelius
1725. Schuyler, Dirck
1726. Scott, John
1728. Schuyler, Harmanus
1728. Seymour, John
1737. Sickles, Thomas
1738. Smith, Patrick
1738. Scandling, Patrick
1738. Schultz, John
1738. Smith, Peter
1739. Saunders, John
1729. Stevens, John
1731. Smith, William
1732. Slidell, Joshua
1733. Symes, John
1734. Schuyler, Myndert
1734. Scott, Robert
1735. Sands, Nathaniel
1735. Stoutenburgh, John
1735. Stoutenburgh, Peter
1735. Swan, Richard
1735. Shatford, Daniel
1735. Shadwick, Israel
1735. Schuyler, Peter
1735. Schuyler, Adoniah
1736. Sackett, Joseph, Jr.
1736. Shurmer, John
1736. Smith, John
1737. Sloan, Andrew
1737. Symes, Lancaster
1737. Smith, Josiah
1737. Steward, John
1737. Smith, John S.
1737. Schultz, Benjamin
1737. Stevens, John
1737. Sebring, Cornelius
1737. Snyder, Jacobus P.
1737. Sayre, John
1739. Sloover, Jacob
1739. Sprainger, Charles
1739. Scott, Francis
1739. Sipkins, John
1739. Somersdyck, Jacob
1695. Trowbridge, Caleb
1695. Toose, Michael
1695. Tuder, John, Jr.
1695. Tuder, Nicholls
1698. Tiebout, Tunis
1698. Tuder, John, Sr.
1698. Ten Eyck, Dirck
1698. Ten Broeck, Hendricks
1698. Ten Eyck, Conraet, Sr.
1698. Ten Eyck, Conraet, Jr.
1699. Tiebout, Johannes
1699. Turnbull, Thomas
1701. Thong, Walter
1702. Thong, Benjamin
1732. Tienhoven, Cornelius
1734. Tiebout, John
1735. Turck, Asueris
1735. Tittle, Edward
1737. Troup, Robert
1737. Tillou, Peter
1737. Ten Eyck, John
1737. Ten Eyck, Richard
1738. Ten Eyck, Samuel
1738. Thomas, Nicholas
1738. Tiebout, Albertus
1738. Taylor, Moses
1739. Tanner, John
1739. Thompson, John
1702. Targee, James
1708. Tudor, Thomas
1710. Teller, Charles
1716. Ten Eyck, Conraet
1724. Teller, Andrew
1739. Ten Eyck, Andrew
1739. Ten Eyck, Jacob
1739. Thorne, James
1739. Turner, James
1698. Viele, Cornelius
1698. Van Horne, Abraham
1698. Van Hornei, John
1698. Vandewater, Elias
1698. Van Nostrand, Jacob
1698. Van Vorst, Johannes
1698. Van Gelder, Abraham
1698. Van Gelder, Johannes
1713. Van Clyff, Habrant
1719. Van Borsum, Philip
1723. Verplanck, Gulian
1724. Van Gelder, Hermanus
1724. Vanderspiegel, Henry
1724. Vandam, Richard
1725. Van Borsum, Egbert
1728. Van Solinger, Johannes
1730. Van Zandt, Johannes
1731. Van Wyck, Abraham
1732. Varian, Isaac

1733. Vandiegrist, Henry
1734. Van Horne, Abraham, Jr.
1734. Van Duersen, Peter
1735. Vanderspiegel, Lawrence
1735. Van Wyck, Johannes
1735. Van Gelder, Henry
1735. Van Hook, Cornelius
1735. Vredenbergh, Isaac
1699. Vandewater, William
1699. Vandewater, Cornelius
1701. Van Cortland, Oloff
1701. Van Naerden, Johannes P.
1701. Van Horne, John
1701. Vanderspiegel, Jacobus
1702. Van Laer, Abraham
1735. Van Duersen, Gilbert
1735. Van Wagenen, Garret
1735. Van Duersen, William
1736. Van Gelder, David
1737. Vanderspiegel, John
1737. Vredenburgh, John
1737. Vonck, Cornelius
1737. Van Gelder, Abraham
1737. Van Vorst, John
1737. Van Norden, Peter
1738. Vandewater, Hendrick
1738. Van Duersen, John
1738. Van Ranst, Cornelius
1739. Van Dam, Isaac
1739. Van Horne, George
1739. Vanderhoven, Cornelius
1739. Van Wyck, Theodorus
1695. Willett, Richard
1698. Wynkoop, Benjamin
1698. Walton, William
1698. Walters, Robert
1699. Wessells, Francis
1699. Weaver, Thomas
1702. Waldron, Johannes
1702. Waldron, Samuel
1702. Wooley, Charles
1722. Weaver, Samuel
1722. Weeks, James
1723. Walton, John
1724. Warner, Gilbert
1724. Walter, John
1734. Wessells, Wessell
1734. Williamse, John
1734. Waldron, William
1734. Waldron, John, Jr.
1735. Wood, Isaac
1735. Ward, Joseph
1735. Willett, Thomas
1735. Wessells, Lawrence
1735. White, Peter
1735. Waldron, Peter
1735. Williams, Richard
1736. Wallace, John
1737. Witts, George
1737. Wyley, James
1725. Willemse, Frederick
1726. Wynkoop, Cornelius
1726. Wendover, Thomas
1731. Warren, Peter
1737. Wilson, Joseph
1737. Walter, John F.
1737. Wessells, Peter
1738. Wood, William
1738. Wells, Obadiah
1738. Wilson, Alexander
1737. Waldron, Daniel
1737. Watts, John
1737. Wortendyke, Cornelius
1737. Warner, Thomas
1738. Ware, Thomas, Jr.
1738. White, Anthony
1738. Wright, James
1738. Wyley, James
1738. Walton, William, Jr.
1696. Young, Thomas
1735. Young, James
1736. Yelverton, Anthony
1723. Zenger, John Peter

CHAPTER VII

WILLIAM COSBY AND THE FREEDOM OF THE PRESS
1732–1736

NO governor seemed more acceptable to the citizens of New-York than Colonel William Cosby. He had apparently shown his care for their interests by remaining in London for more than six months after his appointment to prevent the passage of the sugar bill, a measure that would have affected injuriously the colonial trade. He had succeeded in defeating it in the House of Lords. He was an officer of high rank in the army, and had been governor of Minorca. He was brother-in-law to the Earl of Halifax, and had the powerful patronage of the Duke of Newcastle. The son of the Duke of Grafton was soon to marry one of his daughters; and the gay people of New-York were already fond of noble names and royal lineage, however tainted or impure. Cosby, too, was popular in his manners, fond of entertaining company, and not unwilling to please. His dinners and his balls at the fort were the favorite means, his opponents said, of seducing a grand juror from his duty or winning over a hostile voter. Everything promised him a peaceful and successful rule. Under the prudent administration of Rip Van Dam the fierce political contests of the colony had ceased: there was no longer any apparent cause of enmity between the governor and the governed. Several occurrences, too, tended to subdue the violence of party and unite the people. One was the fearful prevalence of the smallpox, which not long before had carried off five hundred of the inhabitants, and might at any moment return. Another was the fear of the French. The occupation of Crown Point and Ticonderoga by the French forces opened for them an easy passage to Albany and even threatened New-York. It was evident that they were drawing close to the English settlements, and should war break out, as it seemed quite likely to do, might easily lead an army to the sack of the ill-defended towns. The fate of Schenectady was never forgotten by the colonists; while at any moment a French fleet could enter New-York harbor and rob it of its wealth.

As a soldier, therefore, Colonel Cosby was welcomed by the citizens as a protector and a friend. After a voyage of seven weeks from England, he arrived by way of Madeira at Sandy Hook, and landed in New-York about ten in the evening of a fair August day. Several gentlemen met him at the waterside, we are told, and attended him to the fort. The next morning, between eleven and twelve, he walked in state to the City Hall, a company of foot-soldiers and a troop of horse leading the way. Behind came the gentlemen of the council, the corporation, and a great number of citizens and merchants. The streets were lined on each side with soldiers. The people crowded the sidewalks and houses along Broadway and Wall and Broad streets. At the City Hall, which stood in Wall street, at the head of Broad, the new governor read his commission, assumed his office, and then returned to the fort at the Battery, escorted as before by the military and the city officials. Here the militia drew up in line and fired three times a parting salute. It was no doubt a spectacle of rare interest and excitement to our ancestors: the military pomp, the crowded streets, the dignified procession, the governor in his uniform, seemed to give promise of future harmony and security to the rejoicing city. The house in which the governor lived was within the walls of the fort. This was a square earthwork of considerable size, lined with a stone facing inside, and mounting perhaps forty guns. It stood on the rising ground above what is now the Battery, and was, after the Revolution, converted into a government house for Washington, the first President. Then it became the residence of the governors of New-York, was afterward used as a custom-house, and was then taken down and the ground sold in lots for some of the finest houses in the early city. This was in 1815. They looked in front upon the Bowling Green, and were occupied by some of the wealthiest merchants of that day. But in Cosby's time the walls of the fort were no doubt rude and imperfect. A brackish well just outside supplied it with water. Inside were a small chapel, the barracks, and also the house in which the governor and his family lived. This was a building of three stories, built of brick; it was evidently of sufficient size to entertain the large number of guests the governor was fond of asking to his parties, and from its top or the upper story was obtained a fine view of the bay and the opposite shores. A gateway opened in the wall of the fort, and over its paved walk passed the gay coaches and the crowds of the fair and the brave who were summoned to the governor's balls. Here Cosby brought his wife, his son, and his two daughters, and here passed on the four stormy years in which he essayed to govern New-York.

The city and the province had not grown as rapidly as their neighbors east and south. In the second century of its existence (1730–

1736) New-York was still a small town clinging to the southern end of its island, and having a population of not more than seven or eight thousand souls. Twenty-five years later it had reached only about twelve or thirteen thousand, of whom more than two thousand were negro slaves.[1] A modern city, a Chicago, gathers its million in half a century. The growth of New-York was so slow in the first hundred years or more from Stuyvesant to the Revolution, that it had added to its population only at the rate of perhaps one hundred and fifty annually. The province was equally slow in its progress. Immigrants turned away from it to seek the rich fields of Pennsylvania and the rising settlements of New Jersey. Connecticut, the historian Smith complains, in 1756 had already a population of one hundred and thirty-three thousand, while in all New-York there was scarcely one hundred thousand. Yet there were richer lands along the Hudson than any the east could boast of, and the fair and mighty river gave advantages to the New-York farmer that Pennsylvania and the interior of New Jersey could never afford. The historian attributes this slow growth to the unwise policy of England. The common punishment of English criminals was to be banished to the colonies. Here came the thieves, homicides, and all the disreputable part of the population of the mother-country. New-York was a Botany Bay, and the honest emigrant refused to come to a land where he must consort with the vile and the infamous. Many of these criminals were sold as bond-slaves. The newspapers have frequent advertisements of Welsh and English slaves for sale, as well as negroes. Here is one in the "New-York Gazette," September 11, 1732: "Just arrived from Great Britain, and are to be sold on board the ship Alice and Elizabeth, Capt. Faire, commander, several likely Welsh and English servant men, most of them tradesmen." They are to be seen "at Mr. Hazard's in New-York, where also is [*sic*] to be sold several negro girls and a negro boy, and likewise good Cheshire cheese." Besides these unwelcome immigrants, New-York had several other disadvantages. It was a frontier colony. To the north and west the savages and the French drove away the farmers into the safer settlements of New Jersey. Some large estates, too, that still continued, with their feudal usages and tenantry, engrossed much of the good land on the banks of the Hudson. Free laborers refused to sink to the level of European serfs. In their place white and negro slaves filled the streets of New-York and the plantations of Long Island. There was an active slave-market at the foot of Wall street, and the newspapers are filled with offers of rewards for runaway slaves. Slavery, with all its intense corruption and degradation, weighed upon the infant city. Young

[1] By the census under Van Dam, in 1731, the city had about 9,000 inhabitants; the province about 50,000.

and old felt its demoralizing taint. Labor was held to be dishonorable. The frequent rumors of slave insurrections and the consciousness of their own guilt drove the whites often to deeds of insane cruelty. Negroes for serious crimes were often burned alive. The horrible punishment was constantly inflicted upon those who rose in revolt. It is not necessary to repeat the well-known story. But the chief obstacle to the growth of New-York was its want of self-government. It always remained a court colony. England had sent out its worthless or disreputable adventurers to rule almost by force over its murmuring people. Sloughter, who caused the execution of Leisler, was a drunkard and a rogue; Cornbury, a dissolute and shameless tyrant; Fletcher, but little better; even the cultivated Burnet wanted

THE BROOKLYN FERRY.

at times discretion. Only Montgomerie had shown a wise tolerance in his short administration. And the tyranny of the royal governors had already produced in New-York a party not far removed from complete republicanism and independence. Long before the Revolution, Professor Kalm and the Rev. Mr. Burnaby assure us, the people were already looking forward to a separation from their distant parent land. All the vices of a tyranny invaded the infant city. Sycophants, who flattered and preyed upon the officials; the faithful followers of the powerful, who justified all their acts; the lovers of rank and the rivals for precedence; the persecuting churchmen; the corrupt lawyers and judges — all appear in the period of a Fletcher or a Cornbury. The reputation of New-York sank low, and its

morals and its manners were inferior to those of its sister colonies. Pirates had settled on the streets of the city, and divided their prey with the wealthy merchants; slavers, but little better than pirates, sailed to the coast of Africa and brought back their hapless cargoes of men and women. Luxury and gross vices came in. Jewels, silks, brocades, the plunder of some Indian trader, were sold openly. The strong wines of Madeira and great bowls of fiery punch were consumed in excessive quantities at every entertainment, and even at funerals. It was an age of coarse manners, gross vices, and few traces of a dawning refinement.

Cosby, after the first few days of congratulations and pleasant impressions, began to show the less agreeable traits of his character. He was evidently one of those needy, unscrupulous retainers of the English court who were sent over to New-York to enrich themselves at the cost of the provincials. Even before leaving England, he had received twenty-four hundred pounds for his services in the affair of the sugar bill. He now made a new demand upon the colonial assembly for a larger compensation. But the province was poor, embarrassed by debts incurred in defending itself against the French; trade had declined, and the revenue was decreasing. The assembly hesitated; the governor renewed his demand almost in the tone of a master. He evidently fancied that he had come over to deal with an inferior people, over whom he was authorized to exert a despotic power. The house yielded with some murmurs, and gave him one thousand pounds. He was so displeased at the smallness of the sum that he spoke of it with contempt.[1] In addition the house fixed his salary at one thousand five hundred pounds, besides allowing him various expenses and perquisites. It is not possible to estimate exactly the cost of an English governor to the colony; but Cosby received an income of over ten thousand dollars—an excessive salary in these early days. He had, besides, his house in the fort, and apparently increased his gains, according to charges or calumnies of his enemies, by taking bribes and selling offices. In this he would only have followed the example of his patrons in England, Walpole, Halifax, and Newcastle. Yet the expenses of the office were very considerable. The governor was to live in a manner suitable to his rank. The effects of the late governor, Montgomerie, were sold at auction after his death, and give us some conception of the decorations and furniture of a New-York home in 1730. There were fine beds and bedsteads, blue cloth for liveries, silver-handled knives and forks, "a very fine medicine chest with great variety of valuable medicines," some good Barbados rum, horses, coaches, a state barge handsomely

[1] "Documents relating to the Colonial History of New-York," Vols. IV and V, give his letters and complaints.

decorated and various pieces of furniture, four negro men and four negro women, silver plate, and many other articles of value. The finest wines and liquors and a library of fourteen hundred books were also among Montgomerie's possessions. The governor drove out in state with servants in livery and fine coaches; his family were dressed in the latest London style, and his receptions and parties glittered with jewels and satins, and his table was loaded with plate and the costliest wines. Cosby was fond of these entertainments, and was always apparently in want of money. To his avarice or his necessities he was to owe all the future pains of his unquiet administration.

The members of the council at his arrival were Rip Van Dam, the president of the province after the death of Montgomerie, and Messrs. George Clarke, Francis Harrison, James Alexander, Cadwallader Colden, Abraham Van Horne, Daniel Horsmanden, Archibald Kennedy, James De Lancey, Philip Van Cortlandt, and Henry Lane.[1] Van Dam was a successful merchant of Dutch descent, popular and highly respected; he had governed the province with discretion, and scarcely deserves the imputation Smith has thrown upon him of neglecting to oppose the inroads of the French on Lake Champlain. He seems to have been the first to give the alarm.[2] His integrity was never doubted; he had descended to no ignoble means of increasing his fortune; his character offered a marked contrast to many of the active politicians of his age. Several of Rip Van Dam's descendants are found among us to-day; and the memory of his real worth is still preserved among them. As the president of the council he had welcomed Cosby on his arrival, and had yielded up to him at once his official position. What was his surprise when he found that Cosby had prevailed upon the council in England to order him to pay one half the year's salary to himself. Van Dam, who had performed all the duties of the office, was to be deprived of its emoluments, and that by an order from a foreign court that had no authority to touch the finances of New-York! It was an indignity to himself and to the people. Van Dam refused the governor's demand, and refused to obey the orders of the council. He offered as a compromise to pay one half of the salary to Cosby if he would divide with him the large sums he had received in England. This enraged Cosby, and he declined. He resolved to prosecute Van Dam, the most honest and respected of the people—to begin a suit that was never to be decided. Cosby's intellect was narrow; his only expedient for insuring obedience was force. He was evidently wholly unacquainted with the feelings and wishes of the people he had been sent to govern. Not

[1] The governor appointed Horsmanden and Lane; the others were of the old council.

[2] London Doc. V., Nov. 2, 1721, show clearly that Van Dam gave early notice of the danger and urged preparation to meet it.

content with taking their money, he was prepared to offend their strongest prejudices, and to use his almost despotic power in enforcing his unreasonable demand. It was plain to every one that Van Dam was entitled to the salary of his office, but Cosby's anger was only the more inflamed when he found himself in the wrong. The means by which he hoped to attain his end was one that had always aroused the violent opposition of the people. He proposed to erect a chancery court to try the case against Van Dam. But an equity court, ruled by the governor, was a thing the assembly had always protested against since the evil days of Cornbury and Fletcher. The governor was by his office also chancellor. He held, the people said, all their property, by this provision, under his complete control. The best lawyers denied that any court of equity could be introduced in New-York except by the act of its own legislature or parliament. They refused to admit any authority in the court. Cosby and his advisers, on the other hand, persisted in their plan; and as the governor could not well sit as judge in his own cause, he appointed De Lancey, Philipse, and Chief Justice Morris to act as equity judges in the prosecution of Van Dam. It was an imprudent step, from which his least intelligent predecessors would have shrunk. Even Burnet had used his privilege as chancellor sparingly; Montgomerie had wisely declined the office altogether.

Cosby evidently relied on his powerful connections in England to sustain him in his imprudent course; and an event now occurred that filled the gay circles of New-York with an unusual excitement, and seemed to complete the successful opening of the governor's rule.[1] This was the arrival of Lord Augustus Fitzroy, who was a suitor for the hand of his daughter. He was a son of the Duke of Grafton, the descendant of Charles II., so high in rank that even Cosby's daughter was thought a match too low for him. The whole town was stirred by the arrival of so great a personage. The mayor, aldermen, and assistants, attended by the chief officers of the city regiments, waited on him to thank him for the honor he did them by coming to New-York and consenting to accept the freedom of the city. Then the "worshipful mayor" handed him a gold box, inscribed with the city arms, in which was the certificate of citizenship. The young lord answered pleasantly, thanking the mayor and aldermen, and saying he should always remember their kind reception. The lawyers, too, with Chief Justice Morris at their head, came to welcome him. He was an ardent lover, and Cosby writes to the Duke of Newcastle, October 26, 1732, with great satisfaction of his noble guest. He is evidently in a cheerful mood. "My Lord Augustus,"[1] he says, "is with me;

[1] Cosby to Newcastle, October 26, 1732. Doc. rel. Col. Hist. N. Y., 5: 936.
[1] Cosby to Newcastle, October 26, 1732. Ibid.

he is of all the young people that I have seen the most agreeable and unaffected, with the finest notions of honor." Cosby tells the duke he has just given his son "Billy" a lucrative post in New Jersey. "Grace [Lady Cosby, sister of the Earl of Halifax] and the little family join in humble service to your Grace and the Duchess." "I have sent my Lady Duchess a live beaver," he adds. Not long after Lord Augustus was married to the young lady privately; it was an illicit marriage, and the clergyman who celebrated it was prosecuted.[1] But the offense was easily condoned, and the prosecution only a feigned one. Thus highly connected, supported by the favor of Newcastle and the ministry,[2] Cosby thought he might easily subdue the feeble opposition in the colony, and reduce it to a proper obedience. He was determined, he said, to maintain the royal prerogative. He would establish the court of chancery, however unpopular, and drive from the council the unlucky patriots who had merited his displeasure.

THE LOWER MARKET.

Elated by his apparent strength, Cosby now urged on the prosecution of Van Dam. Of the three judges he was sure of the sympathy and support of two, De Lancey and Philipse, but of the chief justice, Morris, he was evidently in doubt. The Morrises had been noted for their independence and a certain tendency to liberal opinions. Richard Morris, the founder of the family in America, of Welsh descent, had served as an officer in the Parliamentary army, and had fled, at the Restoration, to Barbados. There he married a lady of fortune, and emigrated to New-York, where he purchased from the Indian chiefs the wild lands in Westchester County now known as Morrisania. Here he lived in a safe retirement, it is said, disguised as a Quaker, but was also a successful merchant in the city. His son

[1] It is said the clergyman, Campbell, climbed over the wall of the fort, and performed the ceremony without license, and that Lady Cosby managed the affair. From this marriage was born a son, afterward Duke of Grafton.

[2] Newcastle was secretary of state from 1724 to 1754, and afterward prime minister. He was immensely wealthy, fond of office and power, and, though very ignorant, was a shrewd politician. He died in 1768.

Lewis, born at Morrisania in 1671, became one of the most noted men of the day. At his father's death he was left in the charge of his uncle, Lewis Morris. He seems to have been an active boy, not easily controlled: he had, from some dispute with his uncle, fled from home and wandered away to Virginia, and even as far as the West Indies and Jamaica.[1] He supported himself in his exile and poverty by writing as a scrivener or copyist. After some years of this vagrant life he came back to Morrisania, was reconciled to his uncle, who received him with great joy, and soon after married a daughter of James Graham, a woman of rare good sense and refinement. They lived together fifty years, we are told, in perfect harmony. Morris passed much of his early life in New Jersey. He was one of the council, and a judge of its court. His intellect soon showed its rare activity: he was never weary of learning, and never so happy as in the society of men of letters and of thought. His temper was hasty, his decisions sometimes rash, but he was always a liberal, inclining to rational progress. Once, under Governor Hunter, he was expelled from the assembly "for some warm words"; but he soon rose again to power, was made chief justice, and was probably the most influential politician of the time, the intimate friend of Governor Burnet, and of every man of intelligence and worth. Few of his contemporaries have left a stronger impress upon the early history of New-York.

The suit against Van Dam was to be tried before the three judges as an exchequer court; it excited an intense interest among the people. All the old violence of party spirit was roused by this attempt, as it was thought, upon their liberties. The old men who may have seen Leisler and Milborne led out to execution, and who had never forgotten the dreadful scene; the young men who chafed under the haughty rule of the English officials; the Dutch citizens who had felt the scorn of their corrupt rulers and repaid it; the Presbyterians and other dissenters who had been persecuted and plundered by the Episcopalian governors, and probably the great majority of the people, looked upon Rip Van Dam as only the new victim of a foreign tyranny. For twenty years a member of the council, for several years its senior member, its recent president, and one of the most respected members of the community, he was now unjustly accused of improperly withholding moneys, and prosecuted in an illegal court. Van Dam was not to be terrified by the frowns of the governor and his followers. He boldly resisted, and was not easily to be destroyed. At the trial two remarkable men defended Van Dam. One was William Smith, the son of an immigrant from England. He was a good lawyer, a fine speaker, and

[1] Smith, "History of New-York," 1: 209 (edition of 1830).

had risen to eminence by his rare talents, industry, and unflinching courage. The other was James Alexander, an exile from Scotland, who, like Smith, had made his way to distinction in the colony, and was now a member of the council. It would be useless to repeat here the technical argument of the two lawyers. They boldly denied the authority of the royal council, or even of the king himself, without the consent of parliament, to legislate for New-York. They made, in fact, an appeal for independence. The opposing counsel were about to enter into the merits of the case, when, to the surprise of Cosby and his adherents, the chief justice, Morris, interposed and delivered a decision in favor of the plea of Van Dam. He held with Smith and Alexander that the governor had no power to create an equity court. His two colleagues, De Lancey and Philipse, astonished at his boldness, gave opposing opinions defending the governor; they overruled even the chief justice. But no final decision was ever reached in this eventful case. The Court of Exchequer, as constituted by Cosby, never met again. The public opinion set too strongly against it; Van Dam was the victor in the contest against the court party, and his bold resistance led to a new sense of colonial rights — perhaps to final independence.

Like most men of narrow intellect, Cosby was a good hater; he scarcely knew how to forgive. His education had plainly been imperfect: his spelling and his grammar were often at fault; and his letters show a plain want of prudence and intelligence and the intensity of his dislike for his political opponents. He writes to the Duke of Newcastle and the lords of trade the most violent invectives against them, and he probably spoke as freely as he wrote. James Alexander was the first to feel his enmity. As early as December, 1732, he complains to the lords of trade of "one James Alexander" as "unfit to sit in the council." "He is the only man who has given me any uneasiness," he says. "In short his known very bad character would be long to trouble you with,"[1] and he urges his removal from the council. He would have a certain Captain Dick appointed in his place. He pursued Alexander with constant calumnies, and at last refused to summon him to the council. Yet James Alexander was one of the most cultivated, active, and valuable men of his time. In his youth he had been a Jacobite, it is said, but owed much to the friendship of the good Duke of Argyle. He came to New-York, was employed in various offices, and showed a rare talent for mathematics and engineering. Governor Burnet, fond of intellect and a Scot, raised him, with his friend Colden, to the council, and they, with Chief Justice Morris, shared the governor's closest friendship. Alexander was surveyor-general of New Jersey and also a distinguished mem-

[1] Doc. rel. Col. Hist. N. Y., 5 : 939.

ber of the New-York bar. His literary and scientific attainments have left their influence upon the mental progress of the country. He was a member, with Franklin, Colden, Hopkinson, and others, of the "American Philosophical Society." He married a granddaughter of Johannes De Peyster, and when he died, in 1756, held large estates in New-York and New Jersey. His son was the Lord Stirling of the Revolution; his daughters intermarried with the various noted families of the time. Such was the "one Alexander" who to Cosby was a person of "known very bad character."

FIRST NEW-YORK POORHOUSE, 1734.

Against Chief Justice Morris the governor now turned all his rage.[1] His decision in the Van Dam case seemed to the angry official treason against England and the crown. But especially was it a personal insult to himself. In his resentment he sent a message to Morris requesting a copy of his opinion in terms that were plainly designed to provoke him and that were a gross imputation upon his honor and good faith. Morris at once printed the opinion in a pamphlet, and sent a copy to Cosby with a memorable letter that marks the violent feeling of the time. "This, sir, is a copy of a paper I read in Court," he writes. "I have no reason to expect that it or anything that I can say will be at all grateful or have any weight with your Excellency, after the answer I received to a message I did myself the honour to send you concerning an ordinance you were about to make for establishing a court of equity in the supreme court as being in my opinion contrary to law which I begged might be delayed till I could be heard on that head. I thought myself well in the duty of my office in sending this message, and hope I do not flatter myself in thinking I shall be justified in it by your superiors as well as mine. The answer your Excellency was pleased to send me was that I need not give myself any trouble about that affair, that you would neither receive a visit nor any message from me, that you would neither rely upon my integrity nor depend on my judgment, that you thought me a person not at all fit to be trusted with any concerns relating to the King, that ever since your coming to the government I had treated you both as to your person and as the King's representative with slight, rudeness and impertinence, that you did not desire to hear or see anything

[1] Cosby to Newcastle, May 3, 1733. Doc. rel. Col. Hist. N. Y., 5 : 942.

further of me." Morris goes on to defend himself against these charges and suggests that they arose from his decision in a recent case unfavorable to the governor. He allows that he may have been mistaken, but still thinks he is right. "But if judges," he continues, "can be so intimidated as not to dare to give any opinion but what is pleasing to a governor and agreeable to his private views," the people of the province must suffer in fortune or even life. To the charge of inattention and want of politeness, he replies: "I never had the honor to be alone six times in your company in my life, and all the words I ever spoke to you except at the first time might be contained in a quarto side of paper." "I might possibly have been impertinent, for old men are too often so," but he never meant to be disrespectful. The close of the letter is an admirable defense of his own character; it reminds one at times of Johnson's famous reply. "If," Morris adds, "a bow awkwardly made or anything of the kind, or some defect in ceremonial in addressing you has occasioned that remark, I beg it may be attributed to want of courtly education or to anything else rather than the want of respect to his majesty's representative. As to my integrity, I have given you no occasion to call it in question. I have been in office almost twenty years. My hands were never soiled with a bribe, nor am I conscious to myself that power or poverty hath been able to induce me to be partial in favor of either of them, and as I have no reason to expect any favor from you, so I am neither afraid nor ashamed to stand the test of the strictest inquiry you can make concerning my conduct. I have served the public faithfully and honestly according to the best of my knowledge, and I dare and do appeal to it for my justification." Cosby at once removed Morris from his office by handing a notice of his appointment as chief justice to young James De Lancey. The governor assumed the air and powers of a despot. He insulted and degraded the chief justice of the province, violated the law, and showed openly his perfect contempt for the people.

The winter of 1732–33 was a scene of festivity and license in New-York. The governor, fond of conviviality, an Irishman,[1] impulsive, hospitable, extravagant, kept up a series of entertainments. Around the fort, the Battery, and what is now the Bowling Green the few coaches of the city drove in and out on winter evenings, and the chill winds from the river never prevented the young men and women of the time from accepting the governor's invitations. With the wealthier citizens he seems to have kept on good terms, but not with the wiser. Soon after his daughter Grace was married to a Mr. Freeman; every one hastened to congratulate him and Lady Grace. The allurements

[1] Cosby was of Stradbally Hall, Ireland; brigadier and colonel of the Royal Irish Brigade. He had been accused of embezzlement at Minorca, of which he had been governor.

of a title and the latest news from the English court, the newest fashions and the sayings of the Duke of Newcastle and his Grace of Grafton, were irresistible to the New-York merchants and their families. Cosby and Lady Grace knew and made use of the weakness of the provincials. The court party drew in many of the noted names of the time. In spring and summer New-York offered its rare charms. The drive along Broadway was always attractive; the state barge was no doubt often seen upon the river; often the still waters of the bay resounded in summer evenings with the gay laugh of the young and fair, and the music of flute and violin. The evening row upon the river was long a favorite amusement with the New-York families; it was kept up until the beginning of the present century, and has

GREAT SEAL OF GEORGE I.

passed away forever. Never again, we may complain with some venerable Knickerbocker, will the young men and women of the city rise at five o'clock in the summer mornings to walk in pairs on the Battery under the elms and nut-trees, as they were wont to do in the last century; never will the fresh forests of Bloomingdale and the wilderness of Greenwich echo to the merry laugh and song of the gay sleighing-parties of the elder age.

Yet New-York, with all its simpler charms, had many disadvantages. Slowly it had grown beyond Wall street, and Cortlandt street was soon to be laid out. Beyond on the east side were swamps and fens around the Fresh Pond, that often covered the city with noxious vapors. Some effort was made at this time to drain and reclaim them. The more extensive meadows around the west side and the Stuyvesant marshes on the east were still far out of town. The water of the city was always bad, impure, and brackish. No sewers nor sanitary arrangements were yet possible. The streets were paved with

rough cobblestones, if paved at all; to ride on them was a painful pleasure. At night they were lighted by a few lanterns. Broadway was already the finest of the streets, a famous drive reaching nearly to the Central Park. The roads around the city were very often neglected and dangerous: they are often complained of. On the west side the river still came up to the rear of Trinity churchyard; there was a slip at the foot of Rector street; Greenwich, Washington, and West streets were still covered with water. On the east side above Governor's Island was the harbor of New-York. Here were the docks, slips, and warehouses. The North River was swept by storms and ice in the winter and spring and was dangerous for shipping; the East River was always safe, and slips or canals ran up to Hanover Square. The finest of the public buildings was the City Hall. It was situated at the head of Broad street on Wall, a brick building with two wings. The land on which it stood had been given to the city by Abraham De Peyster, always liberal and far-seeing. In the City Hall were the rooms for the meetings of the assembly and council, court-rooms, offices, and a library, the gift of the Society for the Propagation of the Gospel. Its cellar was a dungeon, its garret a common prison. The ground floor was an "open walk," except the jailer's rooms and the jail.[1] The private houses were still plain; the largest and most costly was that of De Peyster, on Pearl street opposite Cedar.[2] It was eighty feet by fifty-nine and surrounded by a garden that ran down to the East River. Its rooms were unusually large and richly furnished; the silver plate of the family was very valuable. No other house was so costly or imposing. The Walton and the Kennedy houses belong to a later age. The churches of the city, too, were still small except the Middle Dutch on Nassau street, which was finished in 1731. The Dutch congregation, the largest of all, had outgrown the small church in Garden street; the new building was

MIDDLE DUTCH AND FRENCH CHURCHES.

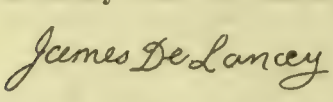
[1] Smith, History of New-York, p. 301. [2] See illustration in Chapter I.

a "high heavy edifice," very extensive, and could contain a thousand or twelve hundred hearers. It was one hundred feet long and seventy-two wide. It had no galleries. Its bell was given by Abraham De Peyster; much silver is said to have been used in its molding, and its venerable sound may still be heard as it rings to-day from the steeple of the Reformed Church on Forty-eighth street and Fifth Avenue. From the ceiling of the early church hung brass chandeliers with many candles. From its steeple was long to be seen the finest view in New-York of the city, the environs, and the bay. In the Middle Dutch Church, from 1730 to 1736, gathered much of the wealth and beauty of the town. Still only Dutch was preached from its pulpit; its young men had not yet been tempted away by the novel forms of England, and its young maidens, with blooming complexions and golden hair, still carried on their arms, hung by silver chains, their Dutch psalm-books and chanted the hymns of Holland. Trinity Church was still the small building of 1696; it was enlarged some years afterward, and was ornamented with pictures, the "gilt busts of angels winged," an organ, and glass branches. But in 1730 it could scarcely contain the large congregations that filled it. As yet it was the only Episcopal church except the chapel in the fort, St. George's not being built until 1752. The Presbyterians had been treated with little ceremony by the royal governors. The Episcopal party had refused them a charter to hold lands; they then conveyed their lands to the General Assembly of the Church of Scotland and built their church. So little toleration was there in New-York! The French had their small church, once very flourishing, but now broken up by unwise dissensions. The Lutherans and Jews had their religious edifices; but the overbearing conduct of the English rulers and churchmen had roused against them the ill-will of all the other sects. The Episcopalians claimed that theirs was the established church, that they were entitled to tithes or a support from the state, and that the institutions and laws of England should prevail in New-York.[1] They even claimed the right of celebrating all marriages.

It is no wonder that the small city, extending only from Cortlandt street to Whitehall, disturbed by rival sects and leaders, should be torn by violent dissensions. It was divided into two parties, the court's and the people's. Cosby, in the course of a few months, had contrived to revive all the suspicions, the fears, and the factious strife that had been quieted under the prudent rule of Montgomerie and Rip Van Dam; they now rose into new violence. Against his opponents he resolved to use all the powers of an arbitrary rule. "The rights of the people," said Smith, as late as 1756, "lie even

[1] Smith, History of New-York, 2: 339–350, is obliged as late as 1756 to argue the point; he asserts that the Church of England is not established in New-York.

now at the mere mercy of their governours"; under Cosby they seemed to retain no rights at all. The assembly, although it petitioned constantly for its own dissolution, he refused to dissolve. He allowed it to meet only seldom, and at long intervals. He would have no new elections, and feared the popular will. He held his councilors in obedience by threats of dismissal. He established a kind of social despotism; those who were willing to submit to his arbitrary rule he asked to the court dinners and suppers in the palace in the fort; the patriots were rigidly excluded, or rather avoided. Morris boasts that he had never waited on the governor; it is not likely that Rip Van Dam and his friends ever passed the gate of the fort; Alexander and Smith were too wise to enter it. Thus it is likely that three fourths of the people of New-York were already the governor's avowed enemies, and that he relied for his support only on his powerful English friends and his obedient councilors at home.



The leader of the court or conservative party was James De Lancey. His father, Stephen De Lancey, a Huguenot exile, had accumulated a large fortune in the African trade, and by his marriage with the daughter of Van Cortlandt had become connected with the wealthiest families in the colony. He had given to his son unusual educational advantages, sent him to England to study at Cambridge, and in the age of Pope, Swift, and Gay made him familiar with English literature and manners. At the university James De Lancey had for his tutor Dr. Thomas Herring, who was afterward Archbishop of York and Canterbury, and with whom he always preserved a close friendship. The archbishop, it is said, aided De Lancey, in his various political difficulties, by his influence with the king, and was always his firm friend. In 1725 De Lancey returned to New-York, and was soon after admitted to practise law. No one was better fitted to attain the highest rank in his profession. His mind was clear and strong; his opportunities for mental cultivation had surpassed those of his fellows; he was industrious, ambitious, and his family influence insured him success. He was made a member of the council in 1728, and was married to the daughter of Caleb Heathcote, one of the wealthiest men in the province, a member of the council and the receiver of customs for all North America. Business flowed in upon De Lancey; he grew wealthy by his own labors and by the large fortune of his wife; his health was perhaps not strong, but he was by far the most prominent and fortunate young man in the province when he was yet under thirty. Unhappily, his natural conservatism, or the influence of the reactionary circle in which he moved, clouded and embarrassed his intellect. He might have saved New-

York from many trials and even calamities, had he joined the party of reform, and he might have led the way to much real progress. But he seems to have fallen at once into the hands of the court party and the reactionists. He became their leader and their victim. He lent his powerful aid to Cosby in some of his most iniquitous measures. He covered up his peculations, defended his tyranny. He was a bitter persecutor of the opposite faction, and his influence in this disastrous period was fatal to the best interests of his native city. With De Lancey were joined Harrison, Clarke, and the majority of the council. Francis Harrison was a lawyer of note, but apparently so active on the governor's side as to become the object of the sharpest satires of the opposition. Many of the wealthier families, the Philipses, Van Cortlandts, and others, followed De Lancey, but

GREAT SEAL OF GEORGE II. (NO PERFECT IMPRESSION IS KNOWN TO EXIST.)

added little to the mental strength of his party. Except the great leader himself, nearly all the rising intellects of the day were on the side of the opposition: Morris, Alexander, Smith, Colden, the Livingstons, all the Presbyterians, and the greater part of the Dutch, some of the more prudent Episcopalians, and the great majority of the voters, formed the popular party. But they found themselves powerless, and had no means even of complaining. Bradford's "Gazette" was closed to them, the legislature was not permitted to meet. No elections were held. The courts were controlled by the governor. The reformers probably knew that Cosby was writing home to England the most infamous calumnies against them; Morris, Alexander, and Van Dam felt that he was plotting to drive them from their offices; that he had resolved to crush out the few remaining traces of freedom; that they were slaves. They appealed to the power of the press — their only refuge. They determined to establish in New-York

a weekly journal that should demand freedom of thought and speech as the birthright of every free people. It was a most important epoch in the history of journalism and of America when Morris and his associates first determined to test the power of the press and assert its liberty. In England the liberty of the press was scarcely understood. De Foe was pilloried for a satirical pamphlet; Swift was in danger of imprisonment for the Drapier's Letters, having himself inflicted on the opposition writers the punishment he now feared. Steele suffered for his pamphlets. Ralph or Shebbeare could tell of the severity of the law. In Philadelphia Bradford had been prosecuted and exiled; Franklin fled from Boston because he had written too freely. The patriots of New-York were the first to demand freedom of thought and speech. "No nation ancient or modern," writes "Cato," in Zenger's new journal,[1] "no nation ever lost the liberty of freely speaking, writing or publishing, but forthwith lost their liberty and became slaves."

John Peter Zenger, the editor of the "New-York Weekly Journal," — the beginning of its free press,— was a German who had been sent to New-York when young, by the charity of Queen Anne. He had learned the art of printing in Bradford's employ. He was made collector of taxes, and was in arrears, his enemies said not honestly. In November, 1733, he began to publish his "Weekly Journal." It was a small folio sheet, resembling Bradford's "Gazette," but even less careful in proof-reading and printing. He spells Monday "Munday," his dates are constantly incorrect, the paper poor, the type intolerable. Yet Zenger was bold and fearless; he evidently enjoyed his sudden elevation to renown; his paper was successful; he gathered news, and had as many advertisements as the "Gazette." But the chief purpose of the paper lay in its bitter attacks upon Cosby's administration. No point of assault is neglected, no personality or satire spared. Morris, Alexander, Smith, and others had formed a club that met weekly, and here were no doubt arranged and suggested the essays, the squibs, the verses, parodies, and sharp rejoinders to the heavy and often ill-considered replies that were sometimes inserted in the "Gazette." It is not likely that Bradford, its editor, was in sympathy with Cosby's party; he claims to be neutral, but his paper was controlled by Harrison and De Lancey, and was treated with little tenderness by his acute assailants. Many of the leading essays in the "Journal" are written in a clear, correct style, full of force and novelty. Their chief aim is to defend the most liberal view of the liberty of the press. The writers felt no doubt that they lived under a despotism that might at any moment strike them with its sharp penalties; they use all the resources of reason to rouse the people to

[1] "Munday," November 12, 1733.

THE

New-York Weekly JOURNAL

Containing the freſheſt Advices, Foreign, and Domeſtick.

MUNDAY November 12, 1733.

Mr. *Zenger.*

INcert the following in your next, and you'll oblige your Friend,

CATO.

Mira temporum felicitas ubi ſentiri quæ velis, & quæ ſentias dicere licet.

Tacit.

THE Liberty of the Preſs is a Subject of the greateſt Importance, and in which every Individual is as much concern'd as he is in any other Part of Liberty: Therefore it will not be improper to communicate to the Publick the Sentiments of a late excellent Writer upon this Point. Such is the Elegance and Perſpicuity of his Writings, ſuch the inimitable Force of his Reaſoning, that it will be difficult to ſay any Thing new that he has not ſaid, or not to ſay that much worſe which he has ſaid.

There are two Sorts of Monarchies, an abſolute and a limited one. In the firſt, the Liberty of the Preſs can never be maintained, it is inconſiſtent with it; for what abſolute Monarch would ſuffer any Subject to animadvert on his Actions, when it is in his Power to declare the Crime, and to nominate the Puniſhment? This would make it very dangerous to exerciſe ſuch a Liberty Beſides the Object againſt which thoſe Pens muſt be directed, is their Sovereign, the ſole ſupream Majiſtrate; for there being no Law in thoſe Monarchies, but the Will of the Prince, it makes it neceſſary for his Miniſters to conſult his Pleaſure, before any Thing can be undertaken: He is therefore properly chargeable with the Grievances of his Subjects, and what the Miniſter there acts being in Obedience to the Prince, he ought not to incur the Hatred of the People; for it would be hard to impute that to him for a Crime, which is the Fruit of his Allegiance, and for refuſing which he might incur the Penalties of Treaſon. Beſides, in an abſolute Monarchy, the Will of the Prince being the Law, a Liberty of the Preſs to complain of Grievances would be complaining againſt the Law, and the Conſtitution, to which they have ſubmitted, or have been obliged to ſubmit; and therefore in one Senſe, may be ſaid to deſerve Puniſhment, So that under an abſolute Monarchy, I ſay, ſuch a Liberty is inconſiſtent with the Conſtitution, having no proper Subject in Politics, on which it might be exercis'd, and if exercis'd would incur a certain Penalty.

But in a limited Monarchy, as *England* is, our Laws are known, fixed and eſtabliſhed. They are the ſtreigh Rule and ſure Guide to direct the King, the Miniſters, and other his Subjects: And therefore an Offence againſt the Laws is ſuch an Offence againſt the Conſtitution as ought to receive a proper adequate Puniſhment; the leveral Conſtit

The above fac-simile is reduced from the original issue of Zenger's paper, measuring 7¼ by 12 inches, in the possession of the New-York Historical Society. A more complete file of the first volume of the "Journal" is included in the collections of the American Antiquarian Society.

EDITOR.

resistance. Their argument is unanswerable because true. But its unrivaled power lay in its novelty. Few, in 1730, had even heard of the liberty of the press; fewer understood its meaning. It was many years before Junius was to complete his reputation by his powerful enunciation of the same truth. It was so long since Milton had written his great period on Truth's certain victory that it was forgotten. In the days of Swift and Addison few read Milton's prose. But week after week, in grave and stately sentences, the New-York writers kept up one long, loud cry, "The Liberty of the Press." The effect was startling. It spread from colony to colony; a newspaper was soon established in Charleston that took up the cry; Boston and Philadelphia watched attentively the struggle in New-York, and we may trace in the leading articles of the "New-York Weekly Journal" of 1733 and 1734 many of the ideas and sometimes the language itself that Otis, Franklin, and Adams made use of in defending and securing the liberties of the continent.

THE VAN CORTLANDT MANSION AT KINGSBRIDGE.

It would be possible to collect many witty sayings and more wise ones from this sudden display of colonial talent. The wit is often harsh, the personalities cruel. Harrison is represented as a monkey who escapes into the country and arms himself with sword and pistol; next he is a spaniel who runs away from home. Cosby is never spared. An amusing satire of the alphabet shows that some letters are fortunate, some unlucky, but that C is the letter ever fatal to New-York. Cornbury sold offices and took bribes, Coote (Bellomont) and Carteret were unfortunate,—a blank is left for Cosby. When the governor's supporters urged that a certain respect was due to his position, "Cato" replied in the "Journal": "If all governours are to be reverenced, why not the Turk and old Muley or Nero?" and, "If we reverence men for power alone, why not the D——?" Some retainer of the court said it was best to keep well with a governor. The "Journal" replies: "A governour turns rogue, does a thousand things for which a small rogue would deserve a halter, . . . therefore it is prudent to keep in with him." For those who yielded to the seductions of court dinners and gave up their independence, the "Weekly Journal" has no mercy. The

widows are made to complain that they are left out of the governor's invitations because they have no husbands to control; young women because they have no lovers on the jury. The court entertainments are a favorite aim of satire: they are wasteful, they corrupt and destroy. A correspondent complains of the swift growth of luxury; men now contend, he says, who shall wear the finest clothes, drink the costliest wines, have the most dishes on the table, and not, as of old, who shall be of most service to his country. One evening a letter was found in the house of the Honorable James Alexander, threatening ruin to him and all his family. The news was spread over the town by Zenger's journal. Soon it began to be whispered that the handwriting was that of the Honorable F. Harrison, member of the council. Harrison denied it with furious rage. He asserted that it was a forgery, that it was written by his enemies, William Smith and James Alexander, to do him injury. He even went to Zenger's house and threatened him with a beating. To clear himself from all connection with the letter, Cosby offered a reward for the discovery of its author; or perhaps he hoped to fix the authorship on one of his enemies. The affair made a great sensation in the city. Those who thought it a real threat from the court party feared for their lives and property; the governor and his friends looked upon it as a new insult from their foes.

The story of this incendiary letter that roused all New-York to a strange excitement reads rather like a rude practical joke than a serious occurrence. As a party of guests were leaving the house of Mr. Alexander late on the night of February 1, they found the letter in the hall. It had been placed under the outer door, and was at once recognized as in the handwriting of Mr. Harrison, then a member of the council. It was addressed "To Mr. Alexander": "I am one who formerly was accounted a gentleman, but am now reduced to poverty, and having nothing to eat, and knowing you to be of a generous temper, desire you would let me have ten pistoles to supply my necessities and carry me back to my native country. Unless you let me have them I'll destroy you and your family by a stratagem which I have contrived." The letter directed the money to be placed at night in a bag in front of the house. It then said that if Alexander refused he would be poisoned; if he complied, he would never be molested again. The handwriting was believed by Smith, Hamilton, Lurting the mayor, and Alexander, to be that of Harrison. Smith, the historian, suggests that the letter was meant to involve Alexander and his associates in some incredible way; they were to be drawn into a plot or criminated by forged signatures. But nothing shows more clearly the excitement of the time than the effect produced by this foolish letter. It was brought before the grand jury; they refused to indict Harri-

son on a mere resemblance in handwriting. But some traits of extreme malice on his part in another case lent probability to the charge that he meant injury to his opponents. Smith thinks too that the governor was planning a scheme "to hang Alexander and Smith," and Lady Cosby had often said openly that her "highest wish was to see them both on a gallows at the fort gate":[1] so fierce were the tempers of New-York politicians, male or female, in the last century! Literature had made little progress in the rising city. There were no good schools; only one newspaper, Bradford's "New-York Gazette," appeared weekly, and a few books had already issued from his press. The "Gazette," a small folio sheet, was made up chiefly of extracts from foreign papers and some advertisements of property, runaway slaves, and shipping. As yet no political discussion was allowed, and few probably read the unattractive paper. It is probable that the majority of the citizens of New-York could neither read nor write. The women, the historian Smith ungallantly asserts, read little or nothing. There were no cultivated physicians, he adds, only a host of quacks and pretenders. The English language was slowly taking the place of the Dutch; in the Dutch churches the congregations were growing smaller, while that of Trinity soon exceeded the capacity of the building. In portions of the colony a mixed language was spoken, made up of Dutch and English, no common-school system having as yet fixed the words of the nation and made way for the pure speech of Shakspeare and Milton to rule over the countless generations of the future; the common schools have given us a common tongue. Yet New-York was soon to share in the literary and scientific revival that was spreading over the other colonies. There is no doubt that the political discussions that grew out of the Zenger controversy aided greatly in awakening its intellect. It could not, in fact, linger long behind its fellows. In 1730–36, Franklin, a poor mechanic, was founding in Philadelphia literary clubs, libraries, and a newspaper of real excellence; and around him grew up men of science like Bartram, Rittenhouse, Rush, and several writers of merit. Berkeley (1729–1732) in Rhode Island had built his colonial house near Newport, founded clubs and literary circles, and written in his study or his garden the most tolerant of theological discussions, "Alciphron, or the Minute Philosopher." Berkeley is polite even to an atheist. From his school of thought came Samuel Johnson of Yale, afterward president of King's (now Columbia) College, and Jonathan Edwards, the philosopher; Berkeley endowed Yale College with his Newport farm, and gathered for it large contributions in England. With Berkeley began an American school of painting. He had brought over with him

[1] Smith, History of New-York, (ed. 1830), 2 : 11, 12, etc. Harrison fled to England, Smith says, to avoid punishment for gratifying his malice against another person. He died in poverty, forgotten.

Smybert, an artist, who afterward settled in Boston, took the portraits of many eminent men, and founded a school in which Trumbull, Allston, Stuart, and Sully surpassed their master. Berkeley's pure literary style, too, was imitated by later American writers; he was one of the founders of American literature.

As yet in New-York literary men were few. The Dutch clergymen were always good Latin scholars, and several of them wrote verses, but their language was unknown to the people. The Rev. William Vesey, the rector of Trinity, had been educated at Harvard as a Congregational minister; he was fond of controversy and wasted his leisure in disputes. The French clergyman, the Rev. Louis Rou, a scholar, had been the friend of Governor Burnet, but seems to have wanted discretion and charity. It was not until Zenger and his associates began to write in the "Weekly Journal" that the intellect of New-York showed any animation or literary skill. With it began the practice of ready writing, and it is impossible to go through its series of essays, replies, arguments, sallies of wit, and bitter satires without feeling that a very remarkable degree of literary talent had been reached by its supporters. Their discussions of the principles of free thought and speech, of the necessity of maintaining them, of the danger of a sluggish yielding to despotism, of the certainty of the final triumph of truth in the conflict with error, show that they had studied in the school of Milton and were familiar with the best classic and English authors. There was a library in the City Hall, founded by the Society for the Propagation of the Gospel. A library in these early days wanted nearly all the familiar names of even half a century later. Johnson was still a dull, heavy young man, translating "Father Lobo's Travels" or indolently dreaming at Lichfield. Pope was in the full maturity of his satirical vein, emulating Horace and Juvenal. Hume and the Scottish school of history and philosophy were yet unheard of. In Ireland Swift was stirring up a fierce internecine feud that was never to cease; Berkeley was the philosopher, Akenside and Thomson were the new poets of the age, Bolingbroke the political teacher and reformer. And when Smith and Alexander were writing their acute discussions of liberty and free speech, they could have had few materials of research and few models of style and thought.

Shakspeare was perhaps on the shelves of the library in the City Hall, Dryden and some of the gross comic writers of the age of Charles, possibly an imperfect edition of Milton. But the list of English authors was still so brief that one wonders how Montgomerie could well have made up his collection of fourteen hundred volumes. The City Library was chiefly theological and polemical. Some popular works no doubt had crept into its shelves. There may have been some huge folio editions of the classics. Smith and Alexander constantly appeal to the example of the Roman republicans, a Cato or a Brutus, or to the empire and its decay. They had read Livy and Tacitus at least in translations. But the chief value of the City Library of 1730 consisted in its being the first, and in that it gave rise to larger collections of books. It was itself enlarged and transformed by the liberality of private citizens into that admirable institution, the Society Library of New-York. On its shelves may be found some of the early volumes from which Colden, Smith, and Alexander may have gathered their wit and wisdom.

One of the founders of American literature and science was Cadwallader Colden. He had come from Scotland already known for his talents and learning, and was made a member of the council by Governor Burnet. He belonged to the liberal party of which Smith and Alexander were the active leaders, but seems to have given his attention chiefly to letters and science. He was the first to study the habits and manners of the native Indian races with care, and wrote an excellent account of them.[1] At his seat at Coldenham, near Newburgh-on-the-Hudson, he practised agriculture and entertained men of science and learning. He corresponded with Bartram, was a member of Franklin's philosophical society, and was well known in Europe and America. New-York owes much to its Scottish governor and citizens, Burnet, Alexander, the Livingstons, Colden, and others, and has never ceased to show traces of their influence. But Colden could not as the friend of the reformers escape the intense dislike of Governor Cosby. He writes to England that Colden is "unfit to be trusted," he is a "spy"; "these infamous fellows," he calls his opponents, and never ceases to urge their removal from the council. He would have Thomas Freeman, Esq., who had married his daughter, appointed to one of the vacant seats. Colden's mind was incessantly active. He wrote a treatise on the plants of Coldenham, which Linnæus used, naming a genus, after him, *Coldenia*. Colden, too, wrote excellent medical treatises, on gravitation, mathematical papers, on the "climate and diseases of New-York," and many other pieces. He kept up an extensive correspondence with the learned, was lieutenant-governor

[1] "History of the Five Indian Nations." It was printed by Bradford, New-York, in small 12mo, 1727, and afterward enlarged.

of New-York, one of the ruling intellects of the time. He died at eighty-eight, in 1776; unfortunately, he lingered too long in the royal party, and was forgotten.

Driven from office by his foes, Morris was now the favorite champion of the people. He had retired to his estate at Morrisania. But here he was not permitted to rest; perhaps he was incapable of it. He threw himself at once into the politics of the time, and, although old (for he was now over sixty), became a candidate for the assembly. The story of his election, despite all the efforts of De Lancey and the court party, is preserved for us in Zenger's journal, almost with the minuteness of a modern reporter. I shall abridge it for the reader, since it tells us much of the manners of our ancestors. When Lewis Morris, in the autumn of 1733, appeared as the candidate of the people for Westchester, a very remarkable election took place. Few modern politicians would care to undergo the fatigues and the dangers that awaited the patriotic voters in 1733. There was fear that the court party might practise some fraud; fifty electors kept watch all night at East Chester, where the polling was to take place, until the morning of the election day. The other electors of Morris's party began to move on Sunday afternoon so as to be at New Rochelle by midnight; on their way they were entertained at plentifully covered tables in each house as they passed; at midnight they met at the home of an active partizan whose house could not contain them all. A large fire was made in the street, and here they sat till daylight came, in the damp air of a Westchester morning. At daylight they were joined by seventy mounted voters from the lower part of the county, and then the whole body moved to the polling place at East Chester in the following order: first rode "two trumpeters and two violins," the representatives of a modern band; then came four freeholders, one of whom carried a banner, on one side of which was inscribed, in golden capitals, "King George," on the other, "Liberty and Law." Next came the candidate, Lewis Morris, Esq., late chief justice, then two colors, and at sunrise they entered the common of East Chester. Three hundred of the principal freeholders of the county followed Morris on horseback, the largest number ever known to be assembled since the settlement of the town. Three times they rode around the green, and then went to the houses of their friends. About eleven o'clock, perhaps with still more state and show, appeared the candidate of the opposing party. It was William Forster, Esq., once a schoolmaster sent over by the Society for the Propagation of the Gospel, but now clerk of the peace and justice of the Common Pleas by the appointment of Governor Cosby. It is suggested that he paid a hundred

THE DE LANCEY ARMS.

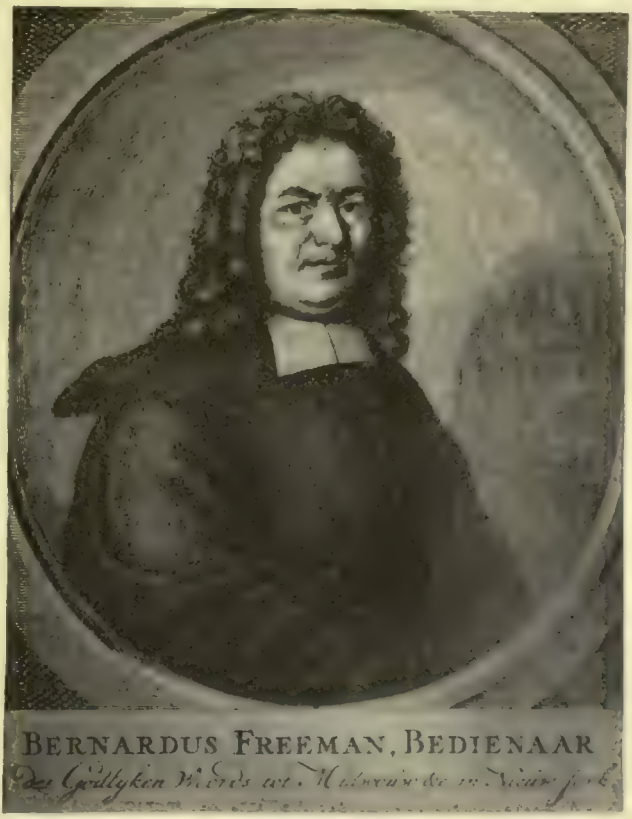
pistoles for his office. Next him in the procession were two ensigns borne by two freeholders, and then came James De Lancey, chief justice, and Frederick Philipse, second judge, baron, etc. They were followed by one hundred and seventy mounted freeholders, the magnates of Westchester County. They entered the green on the east side, rode around it, and as he passed it was noticed that De Lancey bowed to Morris and that the civility was returned. But now one of the Morris party called out, "No Pretender," and Forster said angrily, "I will take notice of you." It was reported that he was no friend to the Hanoverian family. An hour after came the high sheriff, finely mounted, with housings and trappings of scarlet richly laced with silver. The electors gathered on the green; the great majority was evidently for Morris, but the other side demanded a poll, and the voting began. It was rudely interrupted when the high sheriff refused to receive the vote of a Friend or Quaker of large estate who would not take the usual oath. A fierce wrangle began. Morris and his friends insisted that an affirmation was sufficient; the sheriff, a stranger in the county, one of Cosby's instruments, persisted in his refusal. De Lancey and his friends sustained him, and thirty-seven Quakers, who were ready to vote for Morris, were excluded by this unjust decision. Even in England they would have been allowed to vote. Fierce, no doubt, was the rage of the popular party. One of them called out that Forster was a Jacobite; Forster denied it. At last the "late Chief Justice" was returned by a large majority. He rebuked Forster and the sheriff for their attempt upon the liberties of the people, and threatened them with deserved punishment; but when all his followers answered with loud cheers, he restrained them from violence. De Lancey and his faction, we may fancy, rode sullenly away. But soon after Morris entered New-York in triumph, amidst salutes from all the vessels in the harbor. He was met by a party of the chief merchants and gentlemen of the town. The people followed him with "loud acclamations." He was conducted to the Black Horse Tavern, where a fine entertainment had been prepared, and where,

ADMIRAL VERNON MEDAL FOR PORTO BELLO.[1]

[1] The above medal, copied from the original in the British Museum, was made to commemorate the capture in 1739 of Porto Bello, by Admiral Vernon (1684–1757), after whom Washington's residence on the banks of the Potomac was named. EDITOR.

amidst the flow of fiery Madeira and steaming punch, it is not likely that the governor and his followers were spared in the usual speeches.

In the midst of their internal dissensions the colonists were suddenly awakened to the danger of a war with France. England in 1733–34 was arming to be ready for any unlooked-for event. France, Spain, and Sardinia were carrying on a successful war against the German emperor: the French had never forgotten Blenheim and Malplaquet. An English fleet set sail to protect Portugal against Spain. But no aid was sent to guard the frontier of New-York against the French. Here they were never idle, seducing the Iroquois from their league with the English, and strengthening their forts. The English garrison at Oswego was threatened. The savages were mutinous and revengeful. New-York felt its danger, and all its people united in measures of defense. The assembly met April, 1734. It passed at once liberal grants for the defense of New-York, Albany, and Schenectady. As the news from Europe became more alarming, the grants were increased. Six thousand pounds were voted for fortifying New-York, four thousand for a stone fort at Albany. Before this assembly William Smith, the eminent lawyer, argued against the legality of the Court of Chancery without success, the governor controlling the votes. A bill was passed making the affirmation of the Friends or Quakers equivalent to an oath. The injustice they had suffered in the recent election



The Rev. Bernardus Freeman, whose portrait is given above, was pastor of the Dutch church at Schenectady from 1700 to 1705. In the latter year he accepted a call to the Reformed churches of Kings County, L. I., including those of Brooklyn, Flatlands, Flatbush, Bushwick, and New Utrecht, which were then served by one pastor, and ministered to them for a period of thirty-six years. He resigned in 1741, the year of the negro plot, and died two years later. EDITOR.

silenced the objections of their opponents. To fill the empty treasury the assembly laid a tax of a shilling on every slave in the colony, and other heavy duties were imposed. Bills of credit were issued to a large amount: a correspondent of the "Journal" warned the legislature that if they persisted in creating paper money they would drive all the gold and silver from the province, as had already happened at Boston and Philadelphia. To revive trade they imposed a duty on every foreign ship that entered the harbor: vessels owned in New-York were exempt from the tax. Then the house prayed the governor to dissolve, and their request was refused.

The year 1733–34 passed on with little peace for New-York. The fear of the French and Indians still hung over the colony, trade was declining, several families emigrated to New Jersey, the assembly was adjourned, not to meet again until April, 1734. Fierce political dissensions raged in the little town. Party violence must have separated families, parted friends. Our ancestors were bold, strong, violent, accustomed to harsh measures and bitter words; humanity has made great progress since then. Of its fine natural advantages no unwise government could deprive New-York. The great Hudson, flowing from far in the interior, seemed to our ancestors the chief of rivers; the East River and the bay drew in the commerce of Connecticut, Long Island, and New Jersey. Perth Amboy vainly tried to rival New-York. The province was still confined to a narrow strip of land along the Hudson, and a claim to all of Massachusetts beyond the Connecticut River, and all Vermont. Still the slaver sailed into the harbor, and the chief merchants were engaged in the slave-trade. No one seemed to feel that it was wrong; white slaves were still imported from England. Large rewards were offered in the newspapers for the capture and return of white mechanics, and negro women who were good cooks. The whipping-post and the jail were too often the reward of those who labored. New-York received its first fire-engines about this time. They were imported from London, of the newest pattern, and were lodged at first in the City Hall. At the next fire that happened they were used with great effect, but the building was burned down. Our ancestors had been accustomed to use buckets of water, and had always in readiness large bags in which to put their valuables in case of fire, and then throw them out of the windows into the street. The bakers of the city complained that bread was imported in large quantities from the neighboring provinces, and asked the legislature to lay a duty on its importation. Flour was sold in considerable quantities from New-York. The wheat was raised near Kingston-on-the-Hudson and on Long Island.

On the feast of St. Michael the archangel, the freeholders of New-York were directed by their charter to assemble in their wards and

proceed to the election of aldermen and assistants for the coming year. Not many modern voters in these less fanciful days would know when the medieval saint's festival occurred, or could understand why he was chosen to preside over a New-York election; but in 1734 the fierce spirits of our ancestors seemed to require the flaming sword of an archangel to hold them in check. The bitter enmities of the Leislerian tragedy had not yet died out, and were probably destined never to die. The court party were still the oppressors of the people. On September 29 the two factions met at the polls; the contest had been long and violent; the result was the complete overthrow of the governor's party and the election of a common council in which he had but a single adherent, a Mr. Moore. The opposition celebrated their victory with new essays, songs, and satires. The governor denied, in a message to the assembly, which was now sitting, that he had any interest in the election. He even claimed a victory. The election in the city of a hostile board of aldermen and assistants roused the court party to fatal energy. They seem to have adopted the worst practices of Charles I. and Laud, all the insane violence of James II. In the little town, torn by wild excitement, Cosby hoped to crush his opponents by aid of his obedient judges. De Lancey charged the grand jury, in angry terms, that Zenger's paper was inculcating treason and dissension, and he pressed the indictment of the editor. The grand jury boldly refused to obey; they paid no attention to the recommendation of the chief justice, doubting both his discretion and his law. Next Cosby appealed to the assembly, which was then in session, for aid against his tormentors. His obedient majority in the council sent a message to the house, complaining of Zenger's and other "scurrilous papers"; they requested the appointment of a committee to consider with them what should be done with the offenders. They met October 17, 1734; the complaint was laid before the house on the 22d; but the assembly, ruled no doubt by the counsels of Morris and his followers, would have nothing to do with the affair. They were plainly unwilling to silence free discussion. The new cry, "The Liberty of the Press," rang in the ears of all Americans. The legislature wisely laid the complaint on the table.

THE COLDEN ARMS.

It would have been well for Cosby could he have paused here and yielded to the plain wishes of his people. But, like James II., he consulted only his own angry passions and resolved upon revenge. He evidently hoped to involve Morris, Alexander, and all his opponents in a common ruin. Two "scurrilous ballads" on the recent election of opposition aldermen in the city had produced a new excitement.

They are not extant, but they must have been both pointed and bitter to have awakened so fierce a resentment in the ruling faction. The chief justice, De Lancey, presented them to the grand jury in terms that show his strong feeling. "Gentlemen," he said, "you must have heard of two scandalous songs that are handed about; it is your duty to enquire [*sic*] the author, printer, and publisher of them. Sometimes heavy half-witted men get a knack of rhyming, but it is time to break them of it when they grow abusive, insolent, and mischievous." De Lancey was plainly no lenient critic of the poetical labors of his foes. The grand jury presented the "two scandalous songs": one on the recent "election of Magistrates in this city," the other "a song on the foregoing occasion." They were ordered to be burned by the hands of the common hangman, and the governor offered a reward for the discovery of the author or authors. He was resolved to break his opponents of their "habit of rhyming." Careless or unconscious of the disgust of the people, of the reproaches of posterity, the obedient council next ordered the papers Nos. 7, 47, 48, and 49 of Zenger's journal to be burned "near the pillory by the hands of the common hangman." They declared them libelous and seditious. They were resolved to spare their opponents no humiliation, and directed the magistrates and newly elected aldermen of the city to be present at the burning. The aldermen flatly refused to obey. They denied the right of the governor and council to control their conduct or that of any city official.[1] In vain the recorder, Harrison, pressed them with arguments drawn from the burning of Bishop Burnet's book or the precedents of the reigns of Charles and James; the brave aldermen were not to be intimidated. Even the hangman of the city refused to serve the ruling faction. No one could be found to burn the papers. The sheriff then ordered one of his negroes to perform the unwelcome duty. It took place at the "pillory" on the east side of what is now the City Hall Park. Recorder Harrison, with one or two of his party and some soldiers from the garrison, were the only persons present. The citizens by their absence showed their contempt for the folly of their rulers.

The next step was the arrest and imprisonment of Zenger. The attorney-general filed an information against him for libel, and the council ordered him to be seized and carried to prison. The unlucky printer has left an account of his own harsh treatment that shows the bitter spirit of his opponents. He was seized "on the Lord's day," hurried away to the common jail, deprived of pen, ink, and paper, was permitted to see no one, and was at last allowed to speak to his wife and friends only through "a hole in the door." For one week the "New-York Journal" was silenced, but the next it appeared

[1] "Zenger's Trial," pp. 1–6, has an account of the scene.

with an apology from Zenger to his patrons, and an assurance that he would continue to print his paper even through the "hole in the door." In his narrative of his trial, printed afterward in Boston, he relates the hardships to which he had been exposed for advocating the cause of a free press. Its accuracy has never been doubted; it was probably written by Smith or Alexander.[1] "As there was but one printer in the province of New-York," he says, "that printed a public newspaper, I was in hopes if I undertook to publish another, I might make it worth my while, and I soon found that my hopes were not groundless. My first paper was printed November V. 1733, and I continued printing and publishing of them, I thought to the satisfaction of everybody, till the January following when the chief justice (De Lancey) was pleased to animadvert upon the doctrine of libels. In a long charge given in that term to the Grand Jury and afterwards on the third Tuesday of October, 1734, was again pleased to charge the Grand Jury in the following words—." He then gives De Lancey's charge, and adds "but, the Jury did not indict me." Then came the refusal of the assembly to notice the request of the council; the burning of the papers, November 2, 1734; the refusal of the aldermen to attend; the order of the council, sitting at Fort George, for his arrest; his imprisonment on Sunday. "I was for several days deprived," he says, "of the use of pen, ink, and paper and the liberty of speaking with any person."

It is not difficult to conceive the excitement and interest in the little town at the news of Zenger's arrest. It was a threat to the majority of the people, an arbitrary act that placed them all at the mercy of their rulers. "Some friends," he says, brought him before the court to obtain bail. De Lancey, a hostile judge, fixed it at so large a sum that he could not ask any one to become his surety: the sum required was "ten times as much as it was in my power to counter-secure." At the hearing before De Lancey the court-room was filled with hundreds of citizens, looking with no friendly eyes upon the partial judge: the court party was in a small minority in the city. New-York had expressed its wishes at the recent election, and the people must have looked with real alarm upon the actions of their opponents. The

[1] See "A brief narrative of the Case and Trial of John Peter Zenger of the 'New-York Weekly Journal,' for libel"; reprinted by John Holt, at the Exchange, 1770. I believe the original pamphlet is not in existence.

The illustration on this page furnishes a good idea of the uniform worn by the soldiers of the 43d Regiment of foot, a regiment raised in North America in 1740, and composed entirely of colonial troops. The copy is made from a drawing found in the library of the British Museum. I saw another copy at Strathfieldsaye.

EDITOR.

Presbyterians still felt their wrongs; it was even rumored that Cosby intended to seize on one of the Dutch churches for the ruling sect; religious fears and violence added to the excitement of the hour. Zenger was taken back to the prison, where he remained until Tuesday, January 28, 173⅘, when, as the grand jury had refused to indict him, he should have been discharged. "But my hopes were vain," he says, for the attorney-general brought a new charge against him for printing in his papers Nos. 13 and 23 matter "false, scandalous, and seditious." Again he was brought up before the hostile court. But his counsel, Smith and Alexander, acute and bold, now assumed a position that involved all the past acts of Governor Cosby. They objected to the validity of the appointment of De Lancey and Philipse as judges. They had been appointed "during pleasure"; it should have been during "good behaviour." Morris, they urged, had been improperly removed from office — the governor could not displace an official without consulting his council. By both statutory and common law his acts were void. On Tuesday, April 15, Mr. Alexander offered to argue these points before his excellency the chief justice. It is easy to fancy the rage of the presiding judge at this appeal from his authority. He warned the two lawyers, Smith and Alexander, that they should consider well the consequences of their boldness. The next day, at the meeting of the court, he ordered them to be expelled from the New-York bar, and refused to allow them to say anything in their defense. He said: "You thought to have gained a great deal of applause and popularity by opposing this court, as you did the Court of Exchequer, but you have brought it to the point that either we must go from the bench or you from the bar."

A. Hamilton

No lawyer of eminent talent seemed left to defend Zenger and the freedom of the press. The day of trial came, the most important in the annals of the city. De Lancey and Philipse sat upon the bench: the court-room was crowded by all the leading citizens of New-York. The court party were certain of an easy triumph; there was appa-

rently no one able to meet them in argument and defend the prisoner. There was at this time an eminent lawyer in Philadelphia, Andrew Hamilton. He was of English birth, had practised law with success in London, but had emigrated to Philadelphia, where he rose high in reputation and wealth. He was now old, in bad health, but his mind was never more vigorous, nor more eager for an honorable fame. The friends of Zenger sent to him to come to their aid and defend the freedom of New-York. Hamilton consented with a chivalrous zeal and pure devotion that mark only the highest order of intellect in his profession. It was the 4th of August, 1735, when, in the crowded court-room on a hot day of a New-York summer, the prisoner was brought to the bar. He was to have a struck jury selected from a number of freeholders. The clerk of the court attempted some irregular proceeding, and De Lancey was forced by the prisoner's attorney, John Chambers, to correct him. Bradley, the attorney-general, opened the charge against Zenger. He accused him of publishing certain passages in his paper that were "false, scandalous, and seditious." They suggested in an ironical way that in New-York the liberty and property of the people were in danger; that they were sinking into slavery, that judges had been removed without cause, deeds destroyed that were of great value, new courts erected, the trial by jury set aside. It was a bitter satirical review of Cosby's administration, told by a citizen of New-York who was about to emigrate to Pennsylvania. Juvenal's satire was possibly in the mind of its composer. Bradley showed all the evils that would flow from language like this and the contempt that must fall on the government.

Hamilton had come to the court apparently unknown to his opponents. He now rose and said: "May it please your honor, I am concerned in this cause on the part of Mr. Zenger, the defendant." The surprise of the crowded audience may well be imagined when the famous lawyer rose to address the court. "I 'll save Mr. Attorney," he added, "the trouble of examining witnesses"; he admitted the publication. Bradley then called for conviction. "Not so neither, Mr. Attorney," said Hamilton, "you have something more to do: the words must be proved libellous." And then began a remarkable intellectual contest between the young and overbearing chief justice and his hostile court, and the grave, keen, cultivated counsel for the defendant. De Lancey insisted that the law was that the truth of a libel made no difference—it was a libel still. Hamilton urged that the decisions of the Star Chamber were not binding; that men had a right to complain of an unjust government and oppressive laws. De Lancey repeated his decision and said: "Mr. Hamilton, we expect you to use good manners." Hamilton said he wished only to be heard in defense of his position; the chief justice refused to listen to him. "I thank your

honor," Hamilton said, and then turning to the jury continued: "Gentlemen of the jury, to you we must now appeal for witnesses of the facts we have offered and are denied the liberty to prove: you are to be the judges of the law and the facts." It would be impossible here to give any distinct idea of this wonderful speech. Its chief trait that raises it above all others is its prophetic novelty. In the midst of the dim, unfixed notions of the age of monarchy and tyranny, it brings into a clear light all the principles of free speech and free thought that rule among us to-day. "Shall not the oppressed have even the right to complain: shall the press be silenced that evil governors may have their way?" On this theme for hours the best people of New-York listened with deep interest to the rare and inspiring eloquence of the aged orator. He painted the danger of unlicensed power, and likened it to a raging stream that breaks its banks. He turned aside with easy irony the interruptions of the chief justice and the attorney-general. He felt that he had the sympathy of the jury and the people.

He closed his speech with a touching peroration. "I am truly unequal," he said, "to such an undertaking [the defense of freedom] on many accounts, and you see I labor under the weight of many years and am borne down with great infirmities of body; yet old and weak as I am, I should think it my duty if required to go to the utmost part of the land, where my services could be of use in assisting to quench the flame of prosecutions set on foot by the government to deprive a people of the right of remonstrating and (complaining too) of the arbitrary attempts of men in power. But to conclude: the question before the court and you, gentlemen of the jury, is not of small nor private concern; it is not the cause of a poor printer, nor of New-York alone, which you are now trying. No! It may in its consequences affect every freeman that lives under a British government on the main of America. It is the best cause, it is the cause of liberty! and I make no doubt but your upright conduct to-day will not only entitle you to the love and esteem of your fellow-citizens; but every one who prefers freedom to slavery will bless and honor you as men who have baffled the attempts of tyranny and by an impartial and uncorrupt verdict have laid a noble foundation for securing to ourselves, our posterity, and our neighbors that to which nature and the laws of our country have given us a right — the liberty both of exposing and opposing arbitrary power (in these parts of the world at least) by speaking and writing the truth."

The last words of the venerable orator must have thrilled the New-York audience who had so long listened in silence. They were prophetic; in America at least there should be freedom of speech and thought. But to the court party the words of the orator had no meaning. Bradley, the attorney-general, rose and demanded the

conviction of Zenger; the chief justice charged the jury that they must convict him. The jury boldly refused: they declared the defendant "Not Guilty."[1] The scene that followed is one that has never been repeated nor paralleled in a New-York court-room. The instant the verdict was rendered the audience broke into loud cheers of triumph that must have resounded in Wall and Broad streets almost to the governor's mansion in the fort. Rage, amazement, terror, we are told, appeared on the bench. One of the judges threatened with imprisonment the leader of the applause. But Captain Norris, the son-in-law of Morris, rose and said that applause was common in Westminster Hall, and was loudest in the acquittal of the seven bishops. The allusion was at once felt in the excited audience. Before the judge could reply the shouts broke out again, and the court-room rang with huzzas for the champion of liberty. Hamilton was carried almost on the shoulders of the crowd to a fine entertainment that had been prepared for him. The next day, when he set out for Philadelphia, the whole city came to the waterside to do him honor. He entered the barge under a salute of cannon. The corporation presented him with the freedom of the city in a gold box, with inscriptions that declared his virtues and his great services; never lawyer deserved so well the applause of his countrymen.

George II., "by the Grace of God, King, etc.," had confirmed, in 1731, the charter of the city of New-York known as "the Montgomerie Charter." Very few kings have had less claim to the grace or favor of any one human or divine. He was selfish, cruel, a bad son, a bad husband, ignorant, narrow, vain. His ministers and friends in general were not unlike him. Walpole had all his vices and was utterly unscrupulous; Newcastle was so ignorant and so untrustworthy as to be the laughing-stock of his contemporaries. It was an

[1] The names of the jurors who decided this important question were: Thomas Hunt (foreman), Harmanus Rutgers, Stanley Holmes, Edward Man, John Bell, Samuel Weaver, Andries Maerschalk, Egbert Van Borsom, Benjamin Hildreth, Abraham Keteltas, John Goelet, and Hercules Wendover. "Honest" Henry Beekman, the sheriff, made the panel, or list from which they were taken.

age of extreme political corruption. At the court of London offices were openly bought and sold: the king's mistresses ruled in politics except where Queen Caroline interposed; bribes were given openly; parliament was a center of corruption; society was degraded by bad manners and open vice. Yet it was to the court of London that New-York was obliged to look for a redress of its grievances, and it was to the manners and fashions of London that Cosby and his associates turned for example and instruction. He was in constant correspondence with Newcastle and the lords of trade. At first his letters are full of pleasant anticipation, soon they become laden with complaints; they are sometimes of excessive length, and it is not likely that Newcastle ever read them. But on December 6, 1734, Cosby writes one to the duke, full of even more than his usual violence and bad spelling: "The behaviour of a certain member," he says, "I have too much occasion to mention." This was James Alexander. He denounces the "scurrilous cabals formed against the government" by Alexander, Morris, Van Dam, and others. "Morris," he says, "has fled to England" to escape punishment. "The most abominable, detestable villany that ever was committed," he thinks, was the Alexander letter. William Smith is "another declared incendiary." It is not a flattering picture that he draws of our ancestors, and the English ministry, if they ever read the letters, could have formed but a low estimate of the politicians of New-York. Morris and Van Dam wrote to their friends in England with equal severity of their opponents. Morris complained that after "nigh twenty years" of faithful service, he had been driven from office by the sole orders of the governor. The council had not been consulted, no directions had been sought from the crown. Cosby came to the council and handed to De Lancey a notice of his appointment. He accuses Cosby of taking money illegally, of various misappropriations of the public funds. "No man," he says, "was ever so universally hated as he is."[1] Cosby had already charged Morris with "want of probity," with spending nights in "intemperate drinking," and with showing favor to dissenters. Suddenly New-York, in the autumn of 1734, was surprised to learn that the Honorable Lewis Morris had sailed for England, as Cosby said, "laden with calumnies against the government," and to escape the penalties of the law. The governor had offered a reward for the discovery of the author of certain articles in the "Journal."

The year 1735 passed on, ever memorable in the history of New-York. A fatal accident in July had marked the laying of the first stone of the battery "on the rocks at Whitehall." The governor and a group of spectators had assembled, a salute of cannon was fired, a gun exploded, killing the high sheriff of the city, a Miss Van Cortlandt, and

[1] Morris to lords of trade, August, 1733.

a son-in-law of one of the aldermen. A single ferry to Brooklyn existed at the time: a barge or rowboat was the representative of the countless ferry-boats, swift and splendid, that now cover the harbor of New-York. The cost of ferriage was high; a horse paid one shilling, a wagon five shillings, only a "sucking child" went over free.[1] Through all its political struggles New-York was still the gay, convivial city it is painted by the historians of the time.[2] It was called "one of the most social places on the continent." The birthdays and other anniversaries of the royal family were celebrated with illuminations, feastings, balls, and military parades, from which few went home sober. Great inequality of wealth marked the little city. A few held immense estates. Caleb Heathcote, the richest man of the day, died worth one hundred thousand pounds. He left his daughters each twenty-five hundred pounds in money. The large landowners had probably not great incomes. But very great extravagance is complained of in jewels, plate and furniture, horses and slaves. One family had forty negroes. But few in New-York could live without labor or a trade. It is probable that the working-classes lived in abundance of food and in comparative comfort. Fruit, meats, game, and vegetables were cheap. The houses were usually surrounded by a garden. Broadway was lined with trees, and the heat of summer was tempered by the winds from the bay. In winter the cold was severe. The legislature met in October, 1735, but could do little. Cosby had lost the confidence of some of his warmest adherents. It is said that he was universally distrusted. Yet he seems to have been a pleasant companion, an affectionate husband and father. Had he secured better advisers, he might have proved a useful official. One act should be remembered to his credit. He urged the assembly to lay a heavy tax on the importation of negro slaves, as he would discourage the traffic. An almshouse was built about this time in the Fields or park. Here slaves were kept for correction, and the very poor sheltered. But few new buildings were erected in New-York. The bad government checked population.

SHILLING, GEORGE II.

The last days of Cosby's administration were filled with mortification and pain. He had been seized with consumption, and was slowly passing away. Now and then his physicians gave him hopes of recovery, and his amendment was announced in the courtly "Gazette." His mental may have been the cause of his physical suffer-

[1] Laws of New-York, 1735, Smith and Livingston.
[2] Smith's Hist. N. Y., p. 224; see also Kalm and Burnaby.

ing: all his plans had failed, all his hopes of wealth and power were gone. The ministry in England had grown weary of his endless complaints, and were convinced of his want of discretion. They had decided in a royal council that Morris had been improperly removed from office. They paid no attention to Cosby's charges against his enemies, and reproved him for voting in the council. He had been guilty, too, of acts that were criminal in their nature and might lead to an impeachment. Some deeds that had been intrusted to him to prove the title of the corporation of Albany to the lands of the Mohawks, when their tribe should dissolve, he threw into the fire. He was resolved to divide the country among new patentees and reap a harvest of fees. He threatened the landholders of Long Island with a new survey of their lands and a general alteration of their boundaries. Here, too, he probably looked for large profits. But soon his fatal disease gained in strength; the chill winter of 1735–36 probably hastened its progress; the winds from the river raged around the exposed fort at the Bowling Green, and the governor grew weaker as the cold deepened. But his passions had not yet died, and a strange scene was enacted in the bedchamber of the dying official. The council were summoned to meet for the purpose of removing Rip Van Dam from his place as councilor; Cosby ordered his name to be stricken from the list. He thus inflicted a last mortification upon his old enemy. It was his last act of pure tyranny. But his friends and followers evidently thought that with Van Dam at the head of affairs some of their misdeeds might be brought to light, and some of Cosby's ill-gotten gains be reclaimed. Clarke, his friend, the next councilor on the list, was to succeed him in case of his death. Cosby died at the fort soon after, on March 7, 173$\frac{5}{6}$, and was buried with proper ceremonies: New-York showed a decent respect to its governor.

CROWN, GEORGE II.

Of the subsequent fortunes of the remarkable men whose rare abilities made New-York a center of mental progress at this time, the reader may desire some particulars. Morris, the former chief justice, was appointed governor of New Jersey. Here he passed in honor and ease the close of his active life. His son was married to a descendant of Abraham Gouverneur; his grandson was the Gouverneur Morris of the Revolution. Thus were united in one brilliant intellect

the impulses that awoke Leisler to a rash resistance against religious tyranny and Lewis Morris to a successful struggle for liberty of speech. De Lancey, always one of the leaders of his time, a good scholar, an indifferent writer, died in 1760, lieutenant-governor of New-York. He, too, founded a family often distinguished in politics, letters, and the English Church. Alexander, Colden, and Smith all left descendants well known to American history. The son of William Smith wrote the first English history of New-York. Lord Stirling (William Alexander) might have won a title could he have joined the royal faction; Zenger's paper was successful; when he died it was carried on by his wife and son. The "New-York Weekly Journal" led the way to the wonderful achievements of the New-York press. The liberty it won for its successors has not been abused; but the monument to the memory of John Peter Zenger has yet to be raised. New-York, we may well remember, was the first of the cities to assert the liberty of the press when, all over Europe and America, thought was chained and intellect imprisoned. In France the satirist or the reformer was fortunate to escape with a few years' imprisonment in the Bastille. Even Holland, declining in energy, had lost much of its early mental freedom. England and Ireland rang with complaints of suffering authors and printers. Faulkner in Dublin, Barber in London, and later Woodfall, Junius, and Wilkes, showed how sternly the conservative faction held learning, knowledge, wit, and humor in bondage. But in New-York all was changed. The author and the printer had triumphed: the cry, the "Liberty of the Press," had gone over the world from our infant metropolis. The shout of the multitude that celebrated the victory of truth still seems to ring over the site of the old City Hall. It is the liberty of speech and thought that has made New-York fortunate and changed the destiny of mankind.

The populace of New-York, it is said, rejoiced at the death of Governor Cosby; they were still wanting in the refinement that prevents the modern from exultation even in the death of a foe. They hoped at once to come into power; but they were deceived, and a fierce contest followed that had nearly led to civil war. The council met, passed over the claims of Van Dam, and selected Mr. George Clarke as its president. Alexander alone of the councilors voted for Van Dam. The popular party, enraged, insisted that the proceeding was illegal. Van Dam assumed the presidency, demanded the seal of the province from Mrs. Cosby, nominated a mayor and other officials, and prepared for resistance.[1] Clarke and his party held possession of the fort, armed themselves, and were equally resolved to rule. The

1 Doc. rel. Col. Hist. N. Y., 6 : 46, Clarke to Newcastle, March 16, 1736. Van Dam went to the fort, but was not admitted.

assembly met, but finding the two parties irreconcilable, adjourned until the autumn. For some months New-York remained on the brink of a violent civil contest, its small population of perhaps ten thousand whites almost ready to come to blows. The court party were evidently in the minority; but the fort and its garrison held the people in check. At length, in October, 1736, when the contest was at its height, a ship from England sailed into the harbor bringing with it the appointment of George Clarke as lieutenant-governor of New-York. In the face of this decisive action on the part of the home authorities in favor of one of the claimants, resistance ceased, and the patriots were in future to confine themselves to the limits of legal resistance to the foreign rule.

Mr. George Clarke, who soon after received his commission as lieutenant-governor, was one more of the impoverished adventurers who were sent from England to rule the people of New-York. He had practised as an attorney in Dublin, had but little education, and his letter describing his voyage to Virginia shows his want of experience and his unfitness for any office that required intelligence and self-control.[1] Yet he had powerful friends at court, and in 1703 was appointed by Queen Anne secretary of the province of New-York on the death of Matthew Clarkson. Not long after he married Anne Hyde, a distant relative of the queen and of the famous Clarendon. He had his country-seat at Hempstead Plains, Long Island, where he had purchased a hundred acres of land from Walter Dongan; and here he lived with his wife and children and his wife's mother, Mrs. Hyde, and grew rich rapidly. He was made a member of the council, he aided Cosby in all his violent measures, he was made lieutenant-governor by the aid of his English relations, and he strove in every way to exalt the prerogative of the crown. He sold his estate at Hempstead in 1738 and removed to New-York. He was less pleasing in his manners than Cosby, being cold and severe; but he had more prudence, and knew at times how to yield to the popular will. He was resolved, however, to maintain the royal prerogative, and his opportunities of enriching himself he would never forego.

The whole of this period of seven years in which Clarke held office is marked by the steady rise of the popular party to power.[2] It is one of the most important in the history of our state. The people, represented in the assembly, took into their own hands the control of the moneys raised and expended by the province. In vain the court party and the lieutenant-governor insisted on a permanent revenue and unrestricted grants; the assembly steadily refused to yield. Step by step it made its way to power. It addressed the English officials

1 "Voyage of George Clarke," O'Callaghan. His letter shows his youth, his bad spelling, and his easy morals.

2 Clarke to Newcastle, May 16, 1736, asserts that they planned an insurrection.

in language that showed a new spirit had risen among the people. Under the guidance of Alexander, Lewis Morris, Jr., Smith, and others,[1] it studied and discussed the principles of free government and suggested many of the ruling ideas that led to the final contest with England and the liberation of the New World. No part of our history deserves more careful study. One of the earliest proofs of the victory of the people was the city election of September 29. Nearly all the officials chosen were of the popular party; among them were a Roosevelt, Bayard, Beekman, Pintard, Stuyvesant, and several other well-known names. The election had been carried on with all the violence of faction. The court party called their opponents "a Dutch mob"; and Zenger's "Weekly Journal" retaliated with sharp abuse of the "courtiers." Soon after Lewis Morris came over from England, full of his triumph, and was received by the people with wild acclamations. The assembly met in October, and at once recognized Mr. Clarke as president of the council. His commission as lieutenant-governor was published, and Van Dam's claims were set aside. Little was done at its meetings. It soon offended the court-party by guarding against any misapplication of the revenue by the lieutenant-governor and council; the vote was so offensive to Mr. Clarke that he at once called the house together and dissolved it.[2] Thus, after nine years of various fortunes, of extravagant expenditures, and of subservience to the wishes of the court party, the assembly separated. For nine years no general election had been allowed to New-York. The new elections were carried on with all the usual violence of our early factions. The court party strove to win by flattery and bribes, but their opponents were everywhere successful. The city elected James Alexander; Colonel Lewis Morris, Jr., represented Westchester. The new assembly met on June 15, 1737, and the lieutenant-governor, wiser than his predecessors, sought to win its favor by compliments and fair words. Colonel Morris brought in bills for regulating elections; Alexander, others for encouraging manufactures and trade. In September the house met again, and, in a very remarkable address to Mr. Clarke, defined the principles that were in future to control its action. It demanded frequent elections, it spoke of the lavish grants of its predecessors, of the peculations and waste that had led to the present impoverished condition of the province; it declared that it would grant no more money unless it were protected from misapplication by the governor, and no revenue for a longer period than one year. It spoke too of the "unreasonable disregard and contempt" shown to previous assemblies by the former

[1] Clarke's numerous letters to the lords of trade show his want of discretion and their folly. All his acts are done under their orders. See Doc. rel. Col. Hist. N. Y., VI, for his correspondence.

[2] Clarke had suggested that Alexander, Smith, and Colonel Morris should be arrested and sent over to England. Letter of October 7, 1736, to lords of trade, Doc. rel. Col. Hist. N. Y., 6: 78.

governors; and it showed a bold spirit of independence and conscious power that the officials were forced to respect. Clarke yielded gracefully to the remonstrance, and thanked the house for its address. A disputed election between Messrs. Van Horne and Philipse, however,

POPPLE'S PLAN OF NEW-YORK AND ITS ENVIRONS, 1733.

aroused the two factions. Philipse had been elected by the votes of aliens and Hebrews; in the debate that followed, Smith, the famous orator of the liberal side, strove to exclude both, and his unwise and ungenerous assault upon the Jews is said to have been a wonderful example of ill-directed eloquence. The house, carried away by his arguments or his invectives, excluded the Hebrew vote. But the aliens

were admitted, and Philipse took his seat. Among the members of this assembly were Colonel Van Rensselaer, Colonel Schuyler, Frederic Philipse, Philip Livingston, Colonel Beekman, Gulian Verplanck, and John Cruger, who was mayor of New-York, the father of the founder and first president of the Chamber of Commerce. The lieutenant-governor required of them a fixed revenue for his term of office: they had voted him a salary of fifteen hundred and eighty pounds, but he insisted that by limiting the taxes to one year they had shown a spirit of disloyalty. He summoned the house before him and dissolved it,—a dangerous step that only served to rouse anew the free spirit of the people.

War meantime had broken out between England and Spain, and the colonies were threatened with an attack from Havana. But when the lieutenant-governor and the council ordered thirty seamen to be impressed in New-York for the English ship Tartar, the mayor refused to obey their order. He would allow no impressment within the liberties of the city, and the English officials were forced to submit. A new election took place for an assembly that met in March, 1739. It soon showed its hostility to Mr. Clarke by reducing his salary to thirteen hundred pounds. The smallpox now raged in the city, and in August the deputies met at the house of Harmanus Rutgers, near the Fresh Pond, this being thought a safe distance from the infected districts. The smallpox and the yellow fever were the frequent scourges of New-York. Colden, who was a physician, wrote useful treatises on their proper treatment. The governor still urged the house to grant him a revenue in gross, leaving its disposition to the officials; they again refused; he was forced to submit, and the house was adjourned until April, 1740. They had voted liberal supplies and provided for the support of the credit of the paper currency. The cost of the English war with Spain bore heavily on the provincials. New-York under this administration had made some advance in trade and prosperity. It was still weighed down by a heavy debt; its revenue was far exceeded by its expenditure. But the natural advantages of its situation began to make themselves felt in the midst of the dangers of war and of a bad government. Its exports were considerable. New-York flour was already highly valued, and was sent in large quantities to the West Indies. A heavy tax was laid on the importation of African slaves, and formed a considerable part of the revenue. The city showed traces of increasing wealth. Fine country houses were built at Greenwich, Bloomingdale, and on the East River; in the city the De Lancey House, just above Trinity Church, where the City Hotel stood for many years, and Sir Peter Warren's were large and costly buildings. Abraham De Peyster lived in his great mansion in Queen street, in the midst of his extensive gar-

dens; he was very liberal, and one of the wealthiest men of the time. He left many descendants. About this time Water street was begun, and Rector and Cortlandt streets were opened on the west side. A taste for country life began to prevail among the citizens: the Morrises still preferred their seats in Westchester or New Jersey; the De Lanceys had a country house at Bloomingdale, and within the next twenty years the whole island was covered with fine villas and rural homes. Trinity Church, enlarged and decorated, formed now the chief ornament of the city. Wall street was laid out, and the beauty of Broadway, shaded by fine trees, and lined by fair houses, on the tops of which were balconies where the people sat on summer evenings to enjoy the breezes from the harbor, is celebrated by European travelers. New-York was still the gay, social city where many houses were thrown open with generous hospitality. Clarke and his excellent wife, Anne Hyde, were no doubt liberal entertainers. Mrs. Clarke was a dignified, discreet, and amiable woman, who won the good will of all by her unassuming virtues. Her temper was so mild that nothing seemed to disturb her; she ruled her husband by a gentle influence, and saved him from many errors. But in May, 1740, she died, to the great grief of all the city. To the poor she had always been a liberal friend. She had been accustomed to distribute food among them, and at her funeral loaves of bread were given away to all who would receive them. She was buried in the vaults of Trinity Church, by the side of her mother and of Lady Cornbury.

As the spring of 1741 came on, the city was swept by one of those wild panics that have always attended upon slavery. It was believed that the negroes had formed a plot to seize or destroy the town: the masters looked with suspicion and hatred on those they had wronged; the slaves perhaps were ready to seek liberty and revenge. Slavery has nowhere presented itself in a more odious form than in early New-York. The slaves for small provocation were whipped and tortured. Often wild savages from Africa, taken from the slave-market in Wall street, barbarous, brutal, they were constant objects of suspicion and fear. It is supposed that they formed at this time about one sixth of a population of twelve thousand, and were plainly incapable of making any effectual resistance to the white owners and the garrison in the fort. But the rumor of a plot, to be aided by the intrigues of the Spaniards, now drove the most reputable citizens into deeds of unexampled cruelty. It forms the darkest blot upon the history of New-York. On February 28 a robbery was committed that was traced to the house of Hughson, a place where the slaves had been accustomed to meet, drink, gamble, and secrete their stolen goods. Hughson was a man of infamous character; his indentured servant, Mary Burton, became the chief witness against her master and the other victims.

A

JOURNAL

OF THE

PROCEEDINGS

IN

The Detection of the Conſpiracy

FORMED BY

Some *White* People in Conjunction with *Negro* and other *Slaves*,

FOR

Burning the City of *NEW-YORK* in AMERICA,

And Murdering the Inhabitants.

Which Conſpiracy was partly put in Execution, by Burning His Majeſty's Houſe in Fort GEORGE, within the ſaid City, on Wedneſday the Eighteenth of *March*, 1741 and ſetting Fire to ſeveral Dwelling and other Houſes there, within a few Days ſucceeding And by another Attempt made in Proſecution of the ſame infernal Scheme, by putting Fire between two other Dwelling-Houſes within the ſaid City, on the Fifteenth Day of *February*, 1742; which was accidentally and timely diſcovered and extinguiſhed.

CONTAINING,

A NARRATIVE of the Trials, Condemnations, Executions, and Behaviour of the ſeveral Criminals, at the Gallows and Stake, with their *Speeches* and *Confeſſions*; with Notes, Obſervations and Reflections occaſionally interſperſed throughout the Whole

AN APPENDIX, wherein is ſet forth ſome additional Evidence concerning the ſaid Conſpiracy and Conſpirators, which has come to Light ſince their Trials and Executions.

I. LISTS of the ſeveral Perſons (Whites and Blacks) committed on Account of the Conſpiracy; and of the ſeveral Criminals executed, and of thoſe tranſported with the Places whereto.

By the Recorder of the City of NEW YORK.

Quid facient Domini, audent cum talia Fures? Virg. Ecl.

NEW-YORK

Printed by *James Parker* at the New Printing-Office, 1744.

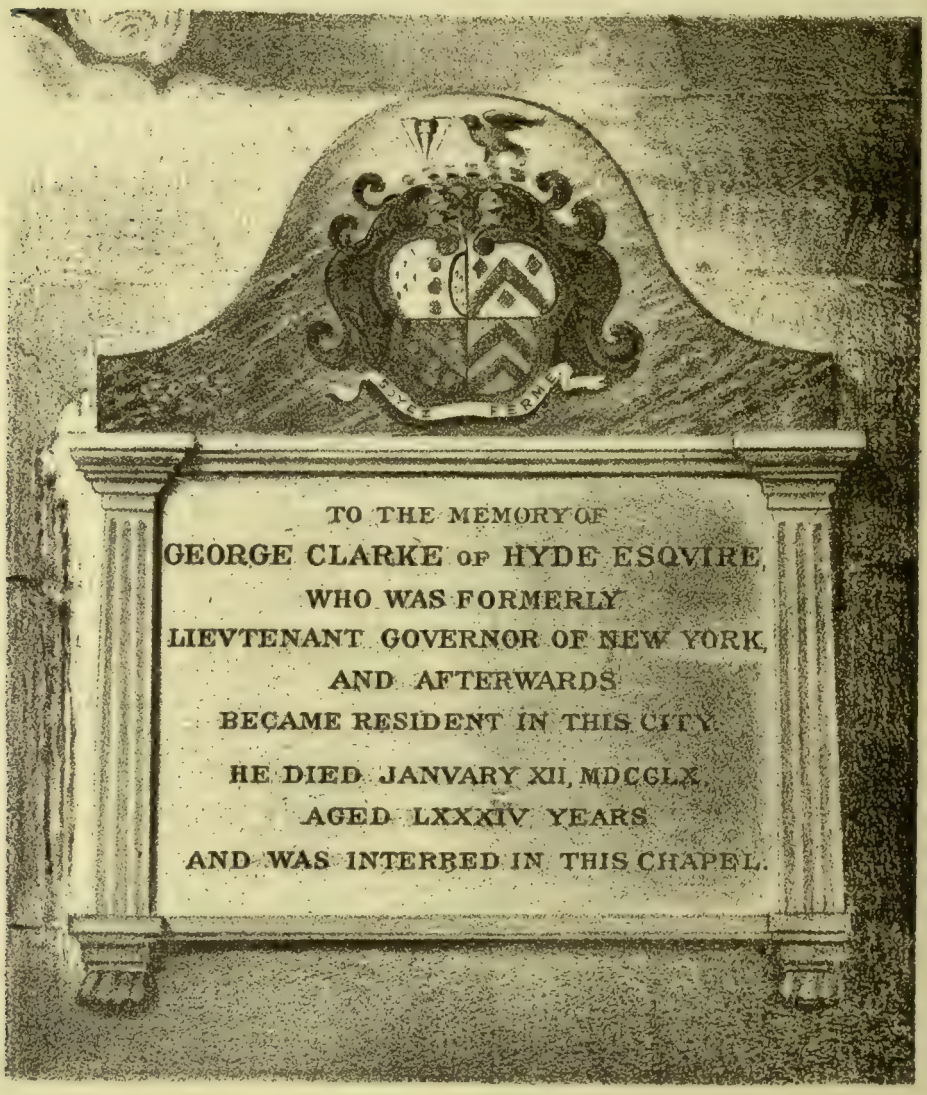
FAC-SIMILE OF TITLE-PAGE.[1]

On March 18, after the robbery, a fire broke out in the fort and destroyed the governor's house, the chapel, and several other buildings.

1 "Horsmanden wrote his book to defend the course of the authorities. He merely left a monument of their senseless credulity, disregard of law and reason, and greedy bigotry. His work was apparently a lucrative speculation: and Clarke, having succeeded in convincing the lords of trade that he had been a martyr, was compensated very largely for the losses which his letters say he was so unable to bear, but which left him in his poverty, as Smith tells us, the snug sum of £100,000, made during his career in New-York." Extract from an address before the New-York Historical Society by John Gilmary Shea.

EDITOR.

At first it was thought to have been accidental.[1] But when, soon after, a succession of fires occurred in various parts of the town, a universal panic spread over it; there seemed little doubt that they had been the result of some secret plot. At once it was rumored that the


TO THE MEMORY OF
GEORGE CLARKE OF HYDE ESQVIRE
WHO WAS FORMERLY
LIEVTENANT GOVERNOR OF NEW YORK
AND AFTERWARDS
BECAME RESIDENT IN THIS CITY
HE DIED JANVARY XII, MDCCLX
AGED LXXXIV YEARS
AND WAS INTERRED IN THIS CHAPEL.

negroes had conspired to burn the city. At this moment several of them were heard using threatening language; they were arrested, but denied any knowledge of the plot. But now Mary Burton, who was in prison as a witness in the affair of the robbery, declared that she knew the origin of the fires. Reluctantly, it is said, she gave testimony

[1] Clarke to lords of trade, April, 1741. Doc. rel. Col. Hist. N. Y., 6: 184.

against her master and others; she said the negroes had held meetings at Hughson's, had resolved to destroy all the whites; that one Cæsar, a black, was to be governor, and Hughson king. Such was her improbable story; but upon her evidence many negroes were arrested and imprisoned. One Arthur Price, a servant, charged with stealing, next added his testimony;[1] and as he was in prison with the negroes, was employed by the magistrates to act as a spy upon them. He soon told extravagant tales of what they had disclosed to him. Peggy Salinburgh, a woman of bad character, was the next informer; new arrests were made among the negroes; the magistrates were incessantly engaged in the discovery of new victims; the grand jury, composed of the most respectable citizens, lent its aid to the general infatuation, and the whole town was agitated by suspicion and terror. A reward of one hundred pounds was offered for the discovery of the persons engaged in the plot to set fire to the city; the three informers, Burton, Price, and Peggy, were never idle, and their extravagant tales grew with the public terror and excited fresh alarm. They were evidently wholly unworthy of belief. Mary Burton had first testified that no white persons were present at the meetings except her master, mistress, and Peggy; she now charged one John Ury, a nonjuring Episcopal clergyman, supporting himself by teaching, with being a Jesuit, and with having been concerned in the plot; next she charged that Curry, a dancing-master, was also at the meetings at Hughson's. Ury, once supposed to be a Catholic, was an object of suspicion. He was indicted, tried, and executed, and at the place of execution solemnly denied the charge, and called upon God to witness its falseness. Mary Burton received the reward of a hundred pounds, but her testimony was at last doubted; the dancing-master, Curry, was discharged for want of proof; it was seen that every white person in the town was in danger from the false witnesses. In this strange panic and reign of savage cruelty one hundred and fifty-four negroes were imprisoned, of whom thirteen were burnt at the stake, eighteen hanged, seventy-one transported, and the rest pardoned or discharged.[2] Twenty-one white persons were arrested, of whom Hughson, his wife and maid, and Ury, were hanged. It is the darkest page of our early history. Yet it was a natural consequence of slavery. The Spartans massacred their helots; the Romans chained their slaves at night; the people of New-York feared and hated the savages they had enslaved and tortured. Reformers and patriots, the wise and the gifted, seem to have yielded to the dreadful delusion. Daniel Horsmanden, one of the judges, wrote an account of the plot, in which he firmly believed. The poor

[1] Clarke to lords of trade, June 20, 1741 (Doc. rel. Col. Hist. N. Y., 6: 197): "The fatal fire . . . . is now known to be the result of conspiracy."

[2] Smith, Hist. New-York (ed. 1814), pp. 438, 439; Clarke to lords of trade, August 24, 1741, Doc. rel. Col. Hist. N. Y., 6: 203.

negroes were brought before the court to be tried without defenders, friendless, the victims of a public insanity. Against them were arrayed the best counsel of the city, the finest intellects of the time. A day of thanksgiving was appointed by the lieutenant-governor for the wonderful deliverance, and was devoutly observed.[1]

Political disputes never ceased, and when, in September, 1740, the assembly had met, Mr. Clarke in vain urged the house to raise a revenue for a term of years. War, he said, was upon them; and as he noticed the successful efforts of the Rev. Henry Barclay among the Indians to convert and civilize them, he hoped they would rebuild or repair his chapel. But the assembly indignantly refused all his requests for a revenue, and even threatened to reduce still further his salary. They refused to vote money for the Spanish expedition, and suggested that England should pay for its own wars. The assembly met again in April, 1741. The lieutenant-governor in his speech used language that showed he feared the provincials were anxious to throw off their allegiance to the British crown. He said such a fear had long prevailed in England; he spoke of the protection and aid the crown had ever lent to the colony; he urged that New-York had been the most highly favored of all the provinces; he pointed to its prosperous condition under his administration, and demanded a liberal support and a dutiful obedience to the wishes of the English court. This unwise speech roused at once the independent spirit of the assembly.[2] It replied to Mr. Clarke in a paper prepared probably by Colonel Morris. It denied that there was any one in the colony who wished to separate from the parent land; it showed that it was only following the example of the English parliament in granting supplies from year to year; it pointed out that the colony had spent four times as much in a few years on its defenses as the English government had ever granted it. "How was it highly favored," it said, "when its trade and commerce were so heavily burdened to assist England in its wars?" It had always provided liberally for the government, and had failed in none of its duties toward the crown. The argument on either side was equally vain and useless. The colony required the support of the parent country, it was not yet ready to sever the tie of allegiance; it was obedient and loyal, but it was resolved to expend its own money in its own way. No foreign power should tax it without its consent. One saddening spectacle to modern eyes nearly concluded the session. The grand jury who had indicted the miserable victims of the fancied plot were called in and thanked by the speaker for their vigilance and attention in bringing the offenders to justice. No sentiment of hu-

[1] Some excuse for the panic may be found; none for the barbarous cruelty.

[2] "What won't a selfish nigardly [*sic*] people say to save their money," he writes, December 15, 1741. Doc. rel. Col. Hist. N. Y., 6: 209.

manity seems to have been roused by the fearful scenes that followed their hasty action. No one was shocked at the fate of the negroes writhing at the stake, or doubted for a moment the horrible delusion.

Of the condition of the people of the city in 1741–42, we cannot form any pleasant picture. The existence of white and black slavery in all its worst forms must have deprived the free laborer of his just reward. Imprisonment for debt, with all its ancient barbarity, still terrified the honest but unfortunate trader. The building in the Park was the common prison for convicts, negroes, and debtors. A paper currency of doubtful value checked the course of trade. Disease, arising from the uncleanly condition of the city and the habits of the people, raged constantly. It is doubtful if the negro quarters and the kitchens of our ancestors were ever free from smallpox and fevers. No sewers purified the streets; the docks were foul and filthy; the churchyards spread disease; the bad water and the tainted air of summer often invited yellow fever. Education was almost unknown; the working-people lived in barbarous ignorance; the charms of its situation and the kindly hand of nature alone made New-York the fair and gracious city it seemed to the European visitors. The winter of 1740–41 had been one of intense severity and suffering to the people of the province. It was known as the "hard winter." The extreme cold began in the middle of November and continued until near the end of March. Never in the memory of the older citizens had such severe weather, such incessant frosts, fallen upon New-York. The Hudson was frozen from shore to shore, and was easily crossed on the ice.[1] Great and frequent falls of snow covered the ground to the depth of six feet; cattle perished for want of fodder, the wild deer starved and were easily taken in the snow. In the city the poor suffered for want of fuel and food, and political discontent followed. It was one of those rare winters, like that of 1780 or 1835, when the Arctic climate seems to descend upon us and the course of nature to change. As the summer came on the enormities of the negro plot must have covered the city with gloom. The exciting trials, the madness of the community, the burnings, the hangings, must have made New-York a scene of endless horror. Fierce, rude, pitiless, our ancestors represent a distant and barbarous age from which we have at last escaped. The political contest raged in the autumn with more than its usual violence. Clarke had lost some of his most vigorous supporters. Even James De Lancey, conscious of his early errors, joined the popular party. His rare talents, great wealth, and family influence now aided the cause of freedom. Governor Lewis Morris of New Jersey, too, had still a keen interest in the affairs of New-York; in his letters he paints

[1] Smith (Hist. N. Y., 2: 169), says that great flocks of pigeons filled the forests in early spring; after the cold winters they came from the south.

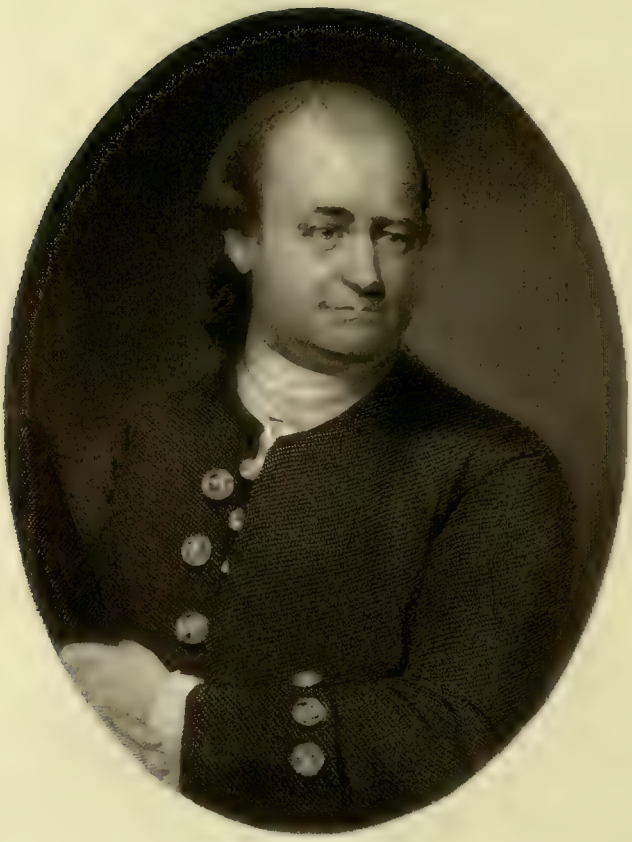
vigorous sketches of the rudeness and ignorance of the people and the violence of the political leaders.

At length came the news of the appointment of George Clinton as governor, and Clarke's rule approached its end. He had few friends left in the colony, but he was never weary of urging the assembly to grant a perpetual revenue and submit to the authority of the crown. They treated his addresses with neglect, but provided liberally for the expenses of the province. On September 22, 1743, George Clinton arrived in New-York, and Clarke soon after returned to England. He had grown very wealthy and had purchased a fine estate in Cheshire; he was supposed to be worth one hundred thousand pounds—so profitable was it to rule New-York. In the close of his life he lived in the city of Chester, and a tablet was raised to his memory in one of the chapels of the cathedral. He was very old at his death. Some of his descendants still hold lands in the western part of our State, and recall the memory of George Clarke and his excellent wife, Anne Hyde. It must be remembered as a palliation for many of his political errors that he acted under instructions from Newcastle and the lords of trade, and reflected the want of wisdom that marked the usual conduct of the English ministry in colonial affairs.

MAYORS OF NEW-YORK.

PAUL RICHARD was mayor in the years 1735 to 1738. His grandfather was born in France, but was sent over to represent the paternal mercantile business established in that country as a sort of factor in New-York. This was before the English conquest. Being prosperous, he soon was enabled to found a mercantile house of his own, and he purchased a house and lot on the north side of Pearl street, between Whitehall and Broad streets, then fronting on the river or bay. His son and grandson succeeded to the business, and were among the wealthiest men of the city. On Mayor Lurting's death, Mr. Richard was appointed to fill his place for the remaining portion of the year, and was reappointed successively in 1736, 1737, and 1738. The city's population had now grown to 10,000.

JOHN CRUGER was mayor during five consecutive years from 1739 to 1744. He came over from England at an early age; in 1698 he was engaged as supercargo of a slave-ship called the Prophet Daniel, a name which ought to have covered a better business. After this somewhat exciting and adventurous course Mr. Cruger settled down to more respectable enterprises in trade, although his connection with the slave-trade was not a reproach to him in those days. He became a very prosperous merchant, his connections being especially with the city of Bristol in England. His public life began as alderman for the Dock Ward in 1712, and he served for twenty-two years in succession. Soon after he ceased to be mayor he died, leaving several sons, all established in prosperous business. His namesake, as we shall see, became mayor a few years later. Mr. Cruger lived in Broad street, and his house was notable for its elegance. EDITOR.



Henry White

CHAPTER VIII

GEORGE CLINTON AND HIS CONTEST WITH THE ASSEMBLY
1743–1753

THE ten years that comprise George Clinton's administration form a unique period in the history of New-York city. We find during this time the province undergoing a great constitutional revolution, chiefly brought about by the efforts of her most illustrious citizens, not acting in a municipal sphere, but as her representatives in the provincial assembly. In this period, when the gravest questions of foreign policy were to depend on the will of the assembly, controlled by the city politicians, we shall find them all disregarding the exceptional and ideal to grasp at the regular and politically practical, with such tenacity that ward politics and ale-house brawls were to have a far-reaching effect on the government of the province. This chapter therefore can contain very little of purely New-York city history. The city so completely fulfilled the function of being the capital of the province, that the course of its history is to be sought for in the political history of the province. The rise of the power of the provincial assembly has already been observed. The constitution of New-York grew from a gradual encroachment of Englishmen on the arbitrary claims of English governors. In the course of the half-century following the English revolution of 1688, the cosmopolitan element in New-York had first created an American people, a people which claimed self-government, legally as British subjects, but in fact because they were conscious of its ability to invoke and maintain the higher right of progressive civilization. The claim of a higher right than that granted by law, when it is not the consequence of victorious armed violence, is always the outcome of a crude feeling of might diffused over a large mass of men, who naturally fall into the hands of a few leaders.

In Cosby's time permanent parties arose, not because people were worse or better than before, but because after the contentions that led to Zenger's trial there was no reason why as much honor and profit could not be had out of opposing the English governors as out of assisting them. But the principal reason why the party feuds of Cosby's time were liable to be perpetuated was because they did not arise from a religious or national antipathy, but from motives of pure political expediency, which angered the beaten party so much that they claimed to represent a principle, and soon persuaded themselves and their friends of their sincerity. Thus Lewis Morris, William Smith, James Alexander, and Cadwallader Colden, the representatives of the opposition to Cosby, formed one party, while James De Lancey and the supporters of Cosby formed another party of placemen, office-holders, and their counterparts of grumblers. Under Governor Clinton's predecessor, Lieutenant-Governor Clarke, the practice of passing the government supply annually, so as to subjugate the governor, had grown to some fixedness, and after a most harassing struggle, in the midst of threats of war from the French and the desertion of the Six Nations, came the news of the appointment of a new chief magistrate.[1] Finally, in September, 1743, the long-expected governor, Commodore George Clinton, arrived in New-York, accompanied by his wife and a family of young children. From the landing-steps his progress through the town was signalized by great marks of public favor, as the people expected to find a leader in future troubles against the French, and a pacificator of partizan discord. For in the interval between his appointment and his arrival people had had ample opportunity to find out who the new governor was, what he had done, and why he had been sent out by his Majesty George II.

George Clinton was the second son of the Earl of Lincoln and uncle of the then earl, a relative by marriage of the mighty and incompetent Duke of Newcastle. By profession a sailor, he had been made captain in 1716, and had commanded a squadron since 1732, when he was commissioned as governor of Newfoundland and commodore. Five years later he transferred his flag to the Mediterranean fleet, and served there till July 4, 1741, when he was commissioned to be governor of New-York. This position he owed to the protection of the duke, who also secured him the rank of rear-admiral of the Red Squadron in December, 1743. Although the prime motive of his coming to New-York had been the hope of bettering his fortune by having an extra salary, his career had fitted him with the desire to do thoroughly and well the things he had entered on. He does not appear either to

[1] John West, Lord De-La-Warr, is stated by some writers to have been appointed Governor of New-York about this time. He may have been, but we find no sufficient authority for the statement. EDITOR.

have been a well-trained administrator, or to have had a very large amount of learning, but he did have a good will, and apparently inflexible doggedness in resolve, and the rare power of obtaining the greatest amount of work from his subordinates. His early command had left entirely undeveloped any possibilities of conciliating men, and had brought about a self-reliant bluntness and force that utterly unfitted him to cope with politicians or to make his friends at home understand the phases of the various troubles he labored under here. He was eminently self-sufficient except in regard to business, where however, he always knew what was wanted, and then relied on his subordinates for the proper execution. He was said to be very eager for making money and to have taken his repose not in colonial society, but with his family or his friends over a jovial bottle. Such was the man who was to govern the province of New-York, and who was to reassert the royal prerogative in its fullest extent, to whom not only the great problem of the management of the Six Nations of Indians was intrusted, but who as governor of the great province of New-York was to check the French in the north and west and to raise the commerce of the city.

The fundamental disadvantage he labored under was a great naïveté in regard to men's motives, and an irrefutable belief that men as political bodies were capable of caring for good motives and remembering favors to the individual. Coupled with this was a desire to find some favorite, who would be his dependent and do much of his work, and whose ambition he could satisfy by giving him that repose he himself so earnestly longed for. That this could not be he soon learned from his experience with Chief Justice De Lancey. On him he at first relied implicitly, and was deluded into appointing him practically for life, by giving him on September 14, 1744, a commission during good behavior, instead of his former revokable commission. The story goes that on June 6, 1746, the governor and the chief justice had an altercation over a bottle, and that henceforth the chief justice swore vengeance. How he obtained it will appear in the course of this history. The powers under which Governor Clinton was to rule the province were contained in his commission. This was published on the day of his arrival, first to his council and then to the people. Its main distinction from the previous commission was that it separated New Jersey from New-York and placed New Jersey beyond his power. The aim of his commission — New-York's constitution for the time — was to ask very little specific and nothing new, but to insist strongly on the restoration of the exercise of the royal prerogative in the matter of money bills, which had been lost during Clarke's administration. The political people of the province were chiefly or only the freeholders who

had qualified by taking the various required oaths to the king. These elected the assembly, who with the appointed council and governor formed the legislature of limited powers, since all assembly bills must pass the governor and council, and then were liable to disallowance by the king in council. The power of convoking the assembly was lodged in the governor with the advice of the council, but executive acts, as adjourning, proroguing, and dissolving the assembly, rested entirely with the governor. The governor, by custom, did not sit in the council when it was part of the legislature, that duty devolving on the lieutenant-governor or the senior councilor by commission; yet as an administrative or judicial body the governor formed a part of the council, the prototype in this of the "Council of Appointment and Revision" of the first State constitution. In one case Clinton's commission is very clear: "And our further will and pleasure is that all publick money raised or which shall be raised by any act to be hereafter made within our said province and the other territories depending thereon, be issued out by warrant from you by and with the advice and consent of our counsel and disposed of by you for the support of the government and not otherwise." But the governor was to have not only the fullest responsibility for the economic administration of his province, but also had great powers to preserve the peace on land (all maritime offenses whatsoever, except piracy, being admiralty prerogatives) and to commission all officers, judicial and military. In all cases where emergency called for it (of which he was sole judge) he could suspend the common law and rule by military law, or hold equity courts with himself as chancellor. Of course he less than any other expected ever to use the punitive parts of his commission to suspend his appointees.

NEW OR MIDDLE DUTCH CHURCH.

At the outset he was advised by De Lancey and the prominent people he met to dissolve the sitting assembly. Although then he followed the chief justice's advice, afterward he claimed that this had been done to rid De Lancey of the speaker. So on September 27, 1743, he dissolved the assembly and called a new one the same day. There were no party struggles, as only seven men were not returned. During this first session De Lancey became indispensable to Clinton, and when, later, disunion had entered into their relations, the governor drew up a long account of the doings of the De Lancey "faction," who might be designated as the New-York city regency.

The justification of this appellation will appear, as soon as we have heard Admiral Clinton's complaint:

> I must inform your Lordships that the chief strength this Faction has gained proceeded from, I must confess, an imprudent Act of my own in giving Mr. De Lancey a commission to be Chief Justice of this Province during his good behaviour; this has given him the greatest influence, as no man can think himself safe from his power when the ambition, the violence, and obstinacy of his temper is well known. A governour they expect can remain with them but a few years, but the power of this Man they think is entailed upon them; whatever reason there may be for making the Judges' Commissions in England, in this manner, the same reasons may not extend to the plantations, tho' I was made to believe that they did; but the inconveniences which may arise from it may be incomparably greater, as it is possible that a Chief Justice in England can not obtain such influence over the Nation as a Chief Justice may over this Province, where the number of Men of Knowledge is very inconsiderable, and by uniting with the men of politics, power and wealth make it impossible to find anyone to accuse, try or convict him. . . . . The Chief Justice soon convinced me of my error, for before that Commission was granted, he on all occasions, shewed himself ready to assist me with his advice and with what influence he had, in order to make my administration easy to me, and which I have now reasons to believe he only did thereby to induce me to grant this Commission, by which he expects to secure to himself that Power which from his natural ambition he has always aimed at, for as soon as he had obtained it, he put himself at the head of the Faction, whose views were to distress me in the administration and thereby to compell me in effect to put it into their hands, and on this occasion I must remark . . . . that the uneasiness and distraction in government affairs in Mr. Cosby's Administration arose from Mr. De Lancey's ambition to be Chief Justice and that ever since he has been in power continual schemes have been formed to weaken the authority and power of every Governor in the administration and to alter the Constitution of his Government as will appear from an attentive consideration of the acts of the general Assembly in Mr. Clarks administration and since my arrival.[1]

It may be questioned whether any system save the then prevailing method of favoritism, by which a man

> Who, having lost his credit, pawned his rent,
> Is therefore fit to have a government,

would have tolerated a governor who was forced to give himself such a striking testimony of political incompetency, ignorance of mankind, and general inability to dissociate his personal hatreds from the claims for the restoration of the governor's prerogatives. For if ever any governor was barred from bringing forward these claims, it was Governor Clinton, who had from his arrival in New-York endeavored to feather his nest and build up a court party. On November 8, 1743, the newly elected assembly met, and owing to the imminence of war was recommended to provide for the defense of the province, for the presents (or tribute) to the Six Nations, and for the governor's civil list. During this session, which lasted till De-

[1] "Documents relating to Colonial History of New-York," 6: 356, 357.

cember 17, all these subjects received consideration, and in June, 1744, the governor asked the board of trade to have the various acts he transmitted ratified. Many years later they drew up this memorandum concerning them: "By these acts the support of Government was limited to one year and the particular salaries affixed to each Officer by name and not to the office, whereby not only the disposal of public money is placed in the hands of the Assembly, but also the nomination of Officers and the ascertaining their salaries, and it is worthy of notice, that . . . there is over and above Mr. Clinton's salary as Governor (fifteen hundred pounds besides six hundred and fifty pounds as fees and eight hundred pounds for the Indians) an allowance to him of one thousand pounds, as a reward for his solicitation in behalf of the province, and for the expense and loss of time occasioned thereby: Mr. Clinton . . . appears to have been very solicitous, that these Acts should have his Majesty's confirmation."

We may be sure that the innuendo of the English board was also made by the New-York assembly. Yet during the period before the strife between governor and assembly had reached its height, Clinton was anxious to carry out the greater problems of his province. His incessant calls on the assembly for fortifications at the north and west bore fruit, his visits to the Indians revealed the corruption of the Albany Indian commissioners, who consequently coalesced with the city politicians against him, while he richly earned the thanks of the Massachusetts General Court for the aid he gave in the reduction of Louisburg. After much discussion he finally had been able to send eighteen cannon (for the transport of which the assembly refused to pay), and did very much to raise funds and provide stores for the New England troops in their glorious undertaking, although New-York was in the main apathetic to these far-reaching plans, its citizens being more interested in privateering, seizing any ship they could find for contraband till a strict order came not to interfere with the Dutch carrying-trade. The prizes brought to New-York increased the prosperity, especially as through Clinton's intervention the customs officers were prohibited from raising duties on captures and prizes. Commodore (afterward Sir Peter) Warren, De Lancey's brother-in-law, brought in the first capture.

This Commodore Warren was one of those indefatigable and nervous spirits who did such wonders at Louisburg, and it is with particular pride that his achievement should be remembered in a history of New-York city, as he was the only prominent New-Yorker that contributed to Massachusetts' greatest colonial achievement. As commander of the blockading squadron Commodore Warren captured the French relief ship Vigilant in sight of Louisburg, which brought about its fall. For this he was knighted, and became of note

not only in English maritime affairs, but also in New-York politics. His brother-in-law, Chief Justice De Lancey, had early in Clinton's administration procured his appointment to the council, and henceforth he was of course of the greatest aid to the faction, although his nephew, the great Indian manipulator William Johnson, was to become Clinton's most efficient manager among the natives. Warren, however, was soon led to dabble in New-York politics very effectively, for he had the very greatest influence at home, as the English government gave him almost the entire credit for the reduction of Louisburg. His private secretary, Robert Charles, was appointed agent for the New-York assembly in London, with instructions to follow Sir Peter Warren in all things; and this he did so well that while Clinton, who had never recognized the agent paid and appointed by the assembly without his authorization, was flooding the board of trade with letters asking for the recall of De Lancey's commission as chief justice, his brother-in-law's influence procured him the commission as lieutenant-governor of New-York (1747). Now this was in truth a great triumph for De Lancey, who did not hesitate to tell the governor to his face that through the Archbishop of Canterbury (his former University tutor) and Sir Peter, his brother-in-law, he had a greater influence in England than Clinton. The triumph was all the greater for the faction, as by it they could overcome all Tories of Colden's stamp.

Anne Grant

There is good reason not to put too explicit belief in the statement Clinton sent to England, as to the origin of the disturbances in his province. To judge entirely from its contents, there would seem to have been a great disillusion of Clinton as to the merits of De Lancey. According to the historian Smith, whose authority has prevailed till now, this arose from a quarrel between the governor and the chief justice, when both were heated by wine, while it appears to us that deeper causes must have been at work before this event could so influence parties; and, inasmuch as no statement regarding the estrangement is consistent with itself, we are reduced to drawing our own conclusions, greatly regretting that no statement of the De Lancey side appears. According to Clinton's version of the case, the

trouble between the chief justice and himself was the entire cause of the difficulty he had with the assembly. This the governor would have us believe followed soon after his error of granting the chief-justiceship practically for life. As this commission was granted in September, 1744, and we find the assembly even then trying to take the appointing power from the governor, we can say that this plan did not originate with De Lancey, but that he very probably interposed, and had the assembly recede from the position it then took (October 9, 1744). The fact is that there was an organized opposition to Clinton in the assembly on the part of those who were trying to secure the patronage of the appointments, and who in most cases coincided with those who may on principle have believed that the revenue ought to be supplied by an annual vote. The assembly, in their representation of the difficulties between themselves and the governor, claim that up to "that memorable day of June 6, 1746," on which Clinton told the legislature of the necessity of attacking Canada, there existed "perfect good understanding between the several branches at that time," which "may evidently appear from the perusal of your Excellency's speeches, the addresses of Council and Assembly, and your Excellency's answer to both." Soon after this, antagonism arose because Clinton put his trust in Cadwallader Colden, who was heartily obnoxious to De Lancey and his friends, such as Mayor Paul Richard, and Daniel Horsmanden, and the rest of the former supporters of Cosby. The first change effected by the new régime was shown in the affair of Saratoga. In the blame to be attached to this massacre Clinton and the assembly vied with one another in recriminations, and both are to blame; but Clinton the more so because, besides incompetency, he used bad politics. Instead of backing the Albany Dutch Indian commissioners, who had not only the support of the assembly, but enjoyed also the prestige of having for several generations retained the confidence of the Five Nations, Clinton pushed forward that remarkable Englishman, William Johnson, Warren's nephew. Yet withal he failed to obtain Warren's support at the English court, and did not separate the favorite of the English ministry from De Lancey. It appears tolerably clear that after this exposé of Clinton's incompetence, political mismanagement, and stubbornness in upholding Colden, the tale of Clinton's adminis-

THE WARREN HOUSE.

Paul: Richard

tration as told in the main by himself cannot be said to suffer from partiality, for the greatest partiality consists in hiding a politician's self-confessed stupidity. For, not content with having quarreled with De Lancey, Clinton henceforth steadily aimed at having Colden made lieutenant-governor, and to have De Lancey's commission revoked. Colden had become more of a royalist than the governor, only in the hope of obtaining the succession, as being the oldest councilor; yet all his time-serving had been brought to naught, the English government rewarding with the highest office he could obtain the chief justice who had preached sedition at New-York, whose brother threatened to hang the English authorities; the chief justice who, when the provincial troops were mutinying at Albany, opposed the suspension of common law; the general instigator of all attacks on the prerogative by the use of his well-organized faction in both houses.

MONUMENT TO WARREN, WESTMINSTER ABBEY.[1]

While Clinton was withholding De Lancey's commission as lieutenant-governor, in hopes of securing this office for Colden, Warren and De Lancey for four years kept the governor in constant dread of being superseded by Warren, whose influence at court was portrayed to Clinton in such vivid colors as to constantly force him into a contradictory state of mind whether he should return home or brave it out. If he stayed he might be superseded and have no ship to return in; if he resigned, then he must commission De Lancey; and rather than do that Clinton remained in the province. In June, 1751, he claims to have heard of the publication of Warren's commission in April; and, as he desired to return home, all the old stories of the climate and his weakened health and his poverty were again told to the secretary of state. Warren died in July, 1752, and till the news of

[1] "Sacred to the Memory of Sir Peter Warren, Knight of the Bath, Vice-Admiral of the Red Squadron of the British Fleet, and Member of Parliament for the City and Liberty of Westminster. He derived his descent from an antient Family of Ireland; his Fame and Honours from his Virtues and Abilities. How eminently these were displayed, with what Vigilance and Spirit they were exerted in the various Services wherein he had the Honour to Command and the Happiness to Conquer, will be more properly recorded in the Annals of Great Britain. On this Tablet, Affection with Truth must say, that deservedly esteemed in private Life, and universally renowned for his publick Conduct, the judicious and gallant Officer possessed all the amiable qualities of the Friend, the Gentleman and the Christian. But the Almighty, whom alone he feared, and whose gracious protection he had often experienced, was pleased to remove him from a Life of Honour, to an Eternity of Happiness, on the 29th day of July, 1752, in the 49th year of his Age. Susannah, his afflicted Wife, caused this monument to be erected." (Inscription.)

NEW-YORK IN 1746.[1]

this arrived in New-York Clinton did not feel at ease, for the idea of leaving New-York in the complete control of the faction, who might be able to substantiate charges of malfeasance in office, caused however by their niggardliness in paying for supplies, affected Clinton unfavorably.

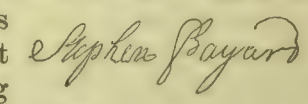
We shall now see how he came to be checkmated at the very point where most money could be made, in the "office-mongering." Very soon after Clinton's dispute with the chief justice the assembly had permanently seized the appointing power, by annexing the salaries to the persons by name and not to the offices; and as the supplies were voted annually, the governor's hands were tied. "Therefore, if any person be appointed . . . disagreeable to a ruling faction in the House of Representa-

[1] This view is copied from the original presented to the New-York Society Library in 1848. It is entitled "A South Prospect of y^e^ Flourishing City of New-York in the Province of New-York. North America." It is six feet six inches in length, and twenty-eight inches in width. The legend in the center of the illustration is as follows: "To his Excellency, George Clinton, Esq., Captain-General and Governor-in-Chief of the Province of New-York and Territories thereon depending, This South Prospect of New-York is most humbly dedicated by your excellency's most Humble and Obedient servant, Thomas Bakewell. Published March 25th, 1746." EDITOR.

tives, he may starve, and in a similar method they prevent the removal of an official if he should happen to be a favorite of the ruling faction; for in that case his successor must starve, to use the words that have frequently been made use of on such like occasions. . . . The ruling faction has obtained in effect the nomination to all offices, and, therefore, become even so insolent, that they have in the bill for payment of the salaries, &c., removed one officer's name and put in another, without consulting me, and the Speaker in presence of the Council and Assembly had the assurance to tell me that they had thought fit to remove such an officer and put another in his place, and thereupon added, Please to order the Secretary to make out a commission accordingly. By these means all the officers of the government are become dependent on the Assembly, and the King's prerogative of judging of the merits of his servants, and of appointing such persons as he may think most proper, is wrested out of the hands of his governour of this Province, and the King himself deprived of it." After describing the terror of the public officials under the rule of the assembly, Clinton instances the case of James Parker, the printer of the province. The governor had ordered an account of his trip to the Indians to be printed, and before the last sheet had been struck off an order came from the assembly to print their address. Clinton ordered the printer to proceed, and was told that, as the assembly paid him, their work should have precedence; and, therefore, Clinton's work was left to lie for a week. The next time we again hear of the governor and the printer, Clinton, advised by Colden, used his prerogative to muzzle the press. Thereupon (October 26, 1747), the speaker told the assembly that "an order signed with the governor's name, and directed to Mr. James Parker, printer to the General Assembly, had been published in the 'Gazette' of that day, whereby the said printer and all other persons were forbid to print or otherwise publish the remonstrance of that house, which the governor had refused to receive." The printer appealed to the assembly, who claimed that this was a violation of the rights of the subject, that the order was arbitrary and illegal, an open violation of the privileges of the house, and of the liberty of the press. Yet this it clearly was not; Clinton and his much hated adviser, Colden, were right in insisting that the mere desire on the part of the assembly to enjoy the privileges of the English House of Commons was no reason in law for their having these rights; that they were only in existence by virtue of royal prerogative, while the English parliament in its parts as in its entirety had the exemptions and powers of a sovereign court. The truth was that the assembly had fallen into the hands of those who thought to make gain by lowering the prerogative of the governor.

The origin of the De Lancey quarrel has been shown; the attachment of the great Albany faction to the city members arose from the desire to control Indian affairs. This had been of more or less importance, as the connivance of the liquor-sellers, who debauched both the Six Nations and the French, was profitable to the Dutch, who also grew rich by carrying on a brisk trade with the Canadians and their Indians in spite of war. As this had driven the French to attack the northeastern settlements, the growing sympathy between Governor Shirley of Massachusetts and Clinton is explicable, as both had in view the great object of restoring the prerogative and taking Canada from France. To accomplish this a series of congresses of the English colonial governors on the continent had been proposed, finally to ripen into the Albany congress of 1754.

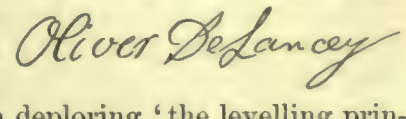
The year 1748 aptly marks the commencement of the second period of Governor Clinton's administration, partly because he was to remain but five years more, but especially because the times and the character of the politics undergo a radical change along the lines which time had developed. In England the colonial department passed over to the energetic, honest, and hard-working Duke of Bedford, in the place of the Duke of Newcastle. Bedford was resolved not only to read the American despatches which in Newcastle's time had accumulated unread, but to heed the suggestions of the governors, who from Massachusetts to Virginia were complaining of the rebellious spirit of the colonies, and insisting on the necessity of carrying out the king's instructions, in the first instance by acts of parliament, but also by the aid of taxation enforced by English troops. In November, 1747, Clinton's advice had been to invoke the aid of Parliament, have the king disallow all those colonial money bills, which also contained grants of paper money, and give the governor authority to issue such as might be necessary to carry on the government. For it had been especially by the use of paper money that the New-York faction had been able to pay its friends and bribe its partizans without taxing the people, and at the same time to rigidly control the appointing power. The council now was in the control of the governor, and from it he had suspended Daniel Horsmanden, De Lancey's friend, and Paul Richard and Stephen Bayard,[1] both of whom had been mayors of New-York; while he earnestly advocated the suspension



[1] Stephen Bayard was mayor in the years 1744, 1745, and 1746. Governor Clinton had now assumed the administration, having arrived in the last year of Mayor Cruger's term, or 1743. As had frequently happened before, and as was soon to happen in the latter's case, the important appointment was bestowed upon a member of a family thus previously honored, and upon a son of a former mayor. Stephen Bayard had pushed his father's extensive business with great activity, and had consequently increased the family fortunes and estates, located, as before stated, in the choicest portion of the present business region. The city was steadily growing, and a population of 12,000 souls had now been attained. EDITOR.

of the rest of the faction in the council, amongst them De Lancey and Philip Livingston, who, although secretary for Indian affairs, had supported the Dutch in their neutrality with Canada and trade with the enemy. As all the members of the council had received their appointment from Clinton, his powers of management receive excellent testimony, especially when his chief opponent was a man of whom he repeats the following story: "Great pains are taken in my government to disavow the king's authority, and it has been said by Mr. Oliver De Lancey, the Chief Justice's brother whom he supports in all his arrogance, that the Faction would hang three or four people and set up a government of their own—and upon the dissolution of the Assembly he asked his Brother, the Chief Justice, whether affairs in the Province could not be carried on without an Assembly, to which he answered, yes, if the people could be persuaded into it, but they won't care to part with their money at that rate." But the assembly was very averse to paying for any kind of services, not even for the troops whom the failure of the expedition against Canada disbanded, unpaid, before the rigor of a New-York winter. In return for this harshness, the governor refused to avail himself of his long-sought-for leave of absence, continued to draw bills on the ministry, and in this way continued those practices by reason of which the assembly claimed he was unfit to handle public money.

In April, 1748, Clinton had begun his schemes with Governor Shirley of Massachusetts whereby the American colonies were to send their governors to Albany to meet the Six Nations, and where at a conference measures were to be planned by which the English ministry would be induced to interpose and suppress the turbulence of the various popular assemblies. "How often had



the governor and his advisers joined in deploring 'the levelling principles of the people of New-York, and the neighboring colonies'; 'the tendencies of American legislatures to independence'; their unwarrantable presumption in 'declaring their own rights and privileges'; their ambitious efforts 'to wrest the administration from the King's officers,' by refusing fixed salaries and compelling the respective governors to annual capitulations for their support! . . . 'The inhabitants of the plantations,' they reiterated to one another and to the ministry, 'are generally educated in republican principles; upon republican principles all is conducted. Little more than a shadow of royal authority remains in the northern colonies.' Very recently the importunities of Clinton had offered the Duke of Newcastle, 'the dilemma of supporting the governor's authority or relinquishing power to a popular faction.' 'It will be impossible,' said one of his letters, which was then

before the king, 'to secure this province from the enemy or from the faction within it without the assistance of regular troops, two thousand men at least. There never was so much silver in the country as at present, and the inhabitants never were so expensive in their habits of life. They, with the southern colonies, can well discharge this expense.'"[1]

When the congress met, the news of the preliminaries of the peace of 1748 put an end to the preparations for war, but the schemes for controlling the colonies were continued with increased vigor, as the real necessity for humoring the assemblies had passed away. Governor Clinton took Governor Shirley of Massachusetts with him to New-York and hoped to receive great assistance from the investigations of his colleague into the causes of the disorder in New-York, and his report thereon. That Clinton was capable of inviting the successful governor of a rival province not only to examine but to make a report (though that would be an *ex parte* statement) goes in a great measure to redeem Clinton from the charge of being merely a puppet or an avaricious adventurer. The statements of both the governors agree in the rehearsal of the causes of the factious struggles and the impotence of the governor, not only in administrative and political affairs, but also in the control of the most elementary military necessities; in all and everything the assembly, aided by and under the control of the New-York city faction, had usurped the government, and no remedy was possible till the power of the assembly should be checked.

By Shirley's advice Clinton had determined on making the attempt to do this systematically in New-York, and while awaiting Bedford's instructions Clinton had again summoned the assembly. But without a definite promise of support from England, even Clinton had learned that contention was useless. "However the present meeting has brought things to a plain issue, viz. that either His Majesty must support his authority, or the Administration of Government must be given up to the Assembly . . . This Assembly or more properly the present faction headed by Chief Justice De Lancey will rather give up the Indians to the French and the British interest, than yield any of their claims or expectations of power; as I had gained what no former governor had, through the great interest Colonel Johnson had with the Indians viz. that they should not make peace separately with the French," and all these advantages are likely to be lost by his want of money. This had been the result of the scheme concocted with Shirley. Notwithstanding his threats of calling on parliament to interpose, the assembly summoned in October had obstinately refused to grant a revenue for the king's government for at least five years. They refused on the ground that: "From recent experience, we are

[1] Bancroft "History of United States," 2: 333, 334.

fully convinced that the method of an annual support is most wholesome and salutary, and are confirmed in the opinion that the faithful representatives of the people will never depart from it." Far from changing their mind, they told Clinton that "governors are generally entire strangers to the people they are sent to govern; they seldom regard the welfare of the people otherwise than as they can make it subservient to their own particular interest; and as they know the time of their continuance in their governments to be uncertain, all methods are used, and all engines set to work, to raise estates to themselves. Should the public moneys be left to their disposition, what can be expected but the grossest misapplication, under various pretences which will never be wanting?" The consequence was that no supply bill passed the assembly, and when Clinton and Colden were without money they obtained it through the kindness of the speaker, as the faction had rigorously forbidden the passage of a five-years bill. Clinton and Colden grumbled that the province's money was handled as secret-service money, always at the disposal of the assembly; but they had to be satisfied. The assembly's control of the financial machinery was in the hands of their treasurer, who refused to be governed by Clinton or the board of trade. By a continued reissue of paper money brought to him for redemption, he did everything in his power not only to swell the debt, but to strengthen himself. When, therefore, in November, 1749, Bedford informed Clinton of the interest the state of the province had awakened at home, the governor instantly began his lamentations over the financial mismanagement of the colony, joining to his *ceterum censeo* the desirability of removing De Lancey, and the hope that the treasurer of the faction would be dismissed, and that the paper money, which was illegally reissued, would be finally funded. In return for the charges of Clinton that the provincial assembly profited by their abuse of paper money, the faction so earnestly spread the report of Clinton's maladministration and peculation that in April, 1750, the governor felt himself called on to answer. This was easy enough, for his officers had all been salaried annually by name, and the small sums allowed for contingent expenses did not furnish means of peculation; nay, more, Clinton often had advanced money for administrative purposes, with practically no hope of ever having it reimbursed; the assembly waiting for several years before they repaid their indefatigable Indian pacifier, Colonel Johnson, his outlays. Clinton for two years

THE BATTERY IN 1746.

had received not a farthing for colonial expenses, as he had not met the assembly, and there was comparatively little to complain of. Gradually Clinton found that the English board of trade was actually reading his despatches, and these cease to be the long and oft-repeated historical sketches of the New-York factions, their encroachments on the royal prerogative, the insolence of the De Lanceys, the impudence of the councilors, and by antithesis, the robust bravery of the much maligned, deeply hated Colden, who for his attachment ought to be made lieutenant-governor.

The quarrels between Clinton and De Lancey were not always directed to political fields, and the dislike of the governor found its vent in laying bare to the world the violent character of Oliver De Lancey, the chief justice's brother. In June, 1749, he was concerned in a tavern quarrel with Dr. Alexander Calhoun, at the termination of which, Clinton affirms, he stabbed his opponent.[1] This gave Clinton a fine opportunity to particularize on the strength of the opposition to him and on the impotence of the government. He was unable to find any lawyer of ability to maintain the king's authority in De Lancey's court; and as the attorney-general, Bradley, had become incompetent through age, he wished to have him withdrawn in favor of William Smith, who was not only in every way fitted for the position, but besides was willing to prosecute the powerful De Lancey's brother, for he still cherished the enmity which dated from the time of the Zenger trial under Cosby's rule. At the same time Clinton recommended the importation of judges, because the New-York judges were interested in all quarrels of account before them, and by their connections with the politics and the politicians rendered the administration of justice impossible.

This was the more necessary as the province had grown rapidly. The imports and exports of New-York (then a city of thirteen thousand two hundred inhabitants, of whom over two thousand were slaves) were of a startling variety, and show a great diffusion of comfort and differentiation of effective wants, as it was not only the great market for the central provinces, but the real commercial capital of the north, for here all privateers came to sell their plunder and to refit. The English ministry, however, did not come to any resolutions in regard to New-York. They argued that if Clinton had been able to survive it six years, he might endure it some years longer. They thought that Clinton attached great importance to the issue of paper money, and the usurpation of the governor's authority, because by both he suffered, whereas the colony had managed to survive both; and as it was impossible to change the shiftlessness of fifty years of administration in a hurry, Clinton was not supported.

[1] Doc. rel. Col. Hist. N. Y., 6: 513.

In March, 1750, when the French were trying by all means in their power to seduce the Six Nations by underselling the English and by the persuasion of the priests, Clinton again pressed the Duke of Bedford for instructions, for "the King has not now one farthing of his revenue in this province at his command for the support of Government in it, though there be large sums in the treasury and which I have reason to believe, the heads of the faction can find means to make use of to support their interest." Again, "I beg leave likewise to observe that though it be very just and natural for His Majesty's Ministers to think that the people in this province will do everything in their power to preserve and secure themselves; yet in reality it is far otherwise, for nothing is in good earnest thought of but the forming of factions in the Assembly, and of converting the Publick money to private uses, by employing persons absolutely ignorant[1] of the knowledge requisite for the services in which they are employed, but are only fit tools among the people for factious purposes, and thus the Publick money has been squandered away uselessly." The great principle of all this escaped the governor's observation. He saw only the surface, and that, being un-English, naturally appeared bad to him. The fact that the New-York city faction managed to cajole the farmers, who may have been of non-English descent; that the De Lanceys, the most American of the city faction, were only the second generation of French immigrants; that the Dutch of Albany, who preferred to continue their Indian trade with Canada, and therefore objected to the intrusion of Colonel Johnson, had first made the great Indian confederation serviceable against France,— all these things escaped Clinton, and therefore his views of the people he had come to rule over were so fundamentally wrong that the course of the faction in the assembly was undoubtedly right in a higher legality, for it was a lawfully played game of national politics.

To this fact the history of the summer of 1750 bears ample testimony. When we recall the constantly repeated tales of insubordination, mutiny, desire for independence of the chief justice, the full control of the government in the hands of a band of conspirators who mortally hated the governor and his favorite, we must wonder at the moderation of this same faction under the most aggravating circumstances. On Thursday, June 7, Colonel Ricketts, with his wife and family and friends, was sailing down the bay on his way to Elizabethtown. The boat carried a flag, which it did not strike on approaching the man-of-war Greyhound, commanded by Captain Robert Roddam, Clinton's son-in-law. As it had failed to salute the

[1] The assembly of New-York, says Clinton on another occasion, "consists of ordinary Farmers and shop-keepers of no education or knowledge of publick Affairs or the World, and in this Province, the greatest numbers are foreigners, or of foreign extract, many of which do not understand the English language and are generally led by some cunning Attorney or Reader of pamphlets."

man-of-war on previous occasions, the lieutenant in charge of her resolved to enforce the admiralty rule, and fired a shot across its bows to stop it. As the first shot failed to bring it to, a second shot was fired which passed through the sail and struck a servant named Elizabeth Stebbins. The unfortunate woman was brought to New-York, and expired soon after. The assault had been committed between Governor's Island and the Battery, so that the coroner of the city claimed jurisdiction under the Montgomerie charter, and held an inquest. Captain Roddam, who had not been aboard his ship, returned and instantly put his lieutenant under arrest and sent his gunner's mate to testify at the inquest. Chief Justice De Lancey, on Ricketts' complaint, arrested the gunner's mate for murder, even before he confessed his obedience to orders in the testimony before the coroner.

This brought on an exciting controversy in which Clinton suffered under every disadvantage, and the chief justice, whose moderation and manly handling of political affairs never appear in so favorable a light, could not but earn glory and popularity. We can barely imagine what a fearful uproar this outrage must have called forth in the populous and compact city immediately under the guns of the fort. The fact that it was committed by Clinton's son-in-law was, according to him, taken advantage of by the faction that opposed him to create still greater prejudice against him. "A number of them met at a tavern, where the heads of the Faction have usually made their rendezvous, and Mr. Chief Justice De Lancey among them, where they staid the whole night, as I am informed, and I believe truly, to consult how to make the best use of this incident for increasing and confirming their popularity."

Clinton intended to protect the royal sailors, whom he did not wish to see "exposed to people artfully excited to tumultuousness or violent proceedings by a party or Faction." . . . "He is informed that Mr. Oliver De Lancey, Chief Justice De Lancey's brother, openly, and in all companies, and among the lower rank of people, distinguished himself, in inciting the people against the governor." If to his mind this excitement among the people was not a heartfelt outburst, but

only the machination of a faction of conspirators, Clinton showed a lamentable want of insight into character, and, furthermore, a gross incompetency as a governor striving to reëstablish a sinking prerogative. Now or never he should have let the faction commit an overt act of sedition, and attempted to suppress it; but he did not dare to let things go to such a point, nor did Colden, the adviser of the governor, desire it. In this case we have an admirable guage for the veracity of the governor's reports. In vain do we read the papers of the day for the news of any tumultuous proceedings. The chief justice certainly did not do anything to stir up feeling against the governor; for if he had but one half of the power which Clinton attributed to him over the assembly and the people, and was in reality striving for independence of the government, founded on republican or leveling principles, he could not have been such a sharp schemer and let such a fine opportunity slip by to create an insurrection, either on the model of Virginius or Masaniello. Then or never was the chance for an artful demagogue to incite a people, first made frantic, to rise in revolt. To excite the people there was the royal man-of-war, able to pour its broadsides into the town. High over the town the bastions and newly repaired batteries of Fort George appeared to threaten the inhabitants. For in moments of popular excitement it would have been as easy to have led the people to forget that no guns were mounted on the city side of the fort, as it was in 1789 that the Bastille was not in a threatening state of offensive readiness. But we hear of nothing like it. Nay, more, from the calm demeanor of the chief justice it appears that he tried to treat the affair as a civil assault, which ended in murder, not as of political consequence. For Clinton claimed that Colonel Ricketts, "a hot-headed, rash young man," had "declared before he put off from our wharf, he would wear that pendant in defiance of the man-of-war, which, in all probability, did come to the lieutenant's ears that commanded on board, who had excused him, but the day before, passing close to the ship with the same pendant, as knowing it to be Colonel Ricketts' vessel." Clinton was in a very painful dilemma. As admiral of the fleet, as governor of the province, he knew that his most positive and direct duty would have been to have prevented the commitment and trial of a man-of-war's man by any other court than that of the admiralty at home. The chief justice was bound to know this also, for he held his office only by Clinton's appointment, and all powers the latter had ever possessed arose from his commission, which strictly exempted naval offenses on shipboard from the jurisdiction of his provincial courts and reserved them for the commissioners of the admiralty. For once the governor followed a dignified course, probably because he felt that anything else might harm his son-in-law, Captain Roddam, of the

Greyhound. He published that part of his commission relating to offenses committed on board, or by men-of-war in service, in the "Gazette." Although the governor had not been able to wrest the gunner's mate from the hands of the chief justice, yet he made of this a charge of misdemeanor, that De Lancey had wilfully disregarded the royal commands, and had tried to borrow the crown's jurisdiction in admiralty cases, just as he had aided to usurp its executive prerogatives. As Clinton desired to leave New-York, he addressed letters to the crown lawyers, Ryder and Murray (the latter better known as Lord Mansfield), asking whether he could not let De Lancey qualify, then suspend him (for the good of the king's rule), and for the same reason appoint Colden lieutenant-governor. The law officers replied that he had better obtain the revocation of De Lancey's commission by the king.

In the mean while Clinton was awaiting orders from England to crush out the opposition and reëstablish a permanent revenue for the crown, which could be controlled all the easier as the paper money was to be restrained. Yet, unless instructions came very soon, Clinton felt that he must surrender to the assembly, who in the course of two years had starved him into submission, as during that period they had not appropriated a penny of supplies. The consequence had been that Clinton had supported the royal troops who garrisoned Oswego; for without this outlay he well saw that the French, who had for two years been undermining the English influence, would seduce the Six Nations from their English alliance. At the end of August, 1750, his resources were exhausted. He had no more money, and, having waited for instructions till September, he summoned the assembly, well knowing that he must again surrender to it the prerogatives of appointment and annual supplies. For two years the governor had hoped for aid from England, during which time he had brought disastrous misery on all those dependent on their salaries for support; his obstinacy had been wasted; he surrendered to the assembly. The supplies for the past two years were supplemented, provisions for the Indians were made, the power of the assembly was again recognized to be as great as it had been before the unfortunate attempts of Clinton to curb the usurpations of the people's representatives. For by a remarkable blindness Clinton had actually tried to persuade himself that, in spite of the open electioneering of the chief justice, he could carry the assembly by his partizans. As soon as the assembly met, the governor was so completely undeceived that he agreed with the speaker to carry out the faction's plans of government. As he truly says: "There are no instances I believe, where men, who have (by any means) gained power, that they willingly give it up, and much more unwillingly, when they find means at the same time to fill their own or

friends' pockets thereby: My duty therefore obliges me to tell Your Grace [of Bedford] my humble opinion, that the King must enforce the authority of his own Commission or else resolve to give up the government of this province into the hands of the Assembly." These last reports finally led Bedford's secretaries to draw up a very clear résumé of the letters and remonstrances which both assembly and governors had since Newcastle's régime been pouring in on the home offices. The one tangible result of his incessant work had been the restoration of James Alexander to the council and also the appointment of Edward Holland, mayor of New-York, to the same position. During the early part of 1751 little else was done in New-York than prepare for the great Indian congress at Albany, to which Clinton had invited all the English governors from Massachusetts to South Carolina, and to which only Massachusetts, Connecticut, and South Carolina sent delegates. The New-York assembly had made such a small allowance for presents that public sentiment forced them to reconsider their action, and the speaker of the house allowed the governor an extra warrant of supply.

THE ROYAL EXCHANGE, 1752.

On his return from the congress at Albany, Clinton expected to have found a leave of absence (or recall) to England and permission to let Colden serve as lieutenant-governor. His hopes were doomed to disappointment, and he was forced to disembark his household goods from the Greyhound man-of-war and to brave the terrors of another winter. He had on several previous occasions attempted this same trick, and had on each occasion stayed here rather than give De Lancey his deferred commission as lieutenant-governor. Clinton's one aim was to undo the error he had made of exalting De Lancey. For years he had tried by every means to push the candidature of Colden for the lieutenancy, and as the success of this plan grew more and more improbable he was resolved to build up against De Lancey a strong opposition by giving the places in the council to the opponents of the city faction. Although in July, 1751, this plan had not yet been carried out completely, yet because it suited Clinton's side of the argument, he asks for his recall and thinks it can be sent safely. "As the faction every day decreases and the people's eyes are open, I conceive it will be of no ill consequences to leave Mr. Colden president, till his Majesty's pleasure be known, especially as Your Grace has hinted that you will

not agree to Mr. Chief Justice De Lancey's being left with the Administration." Thereupon this very simple governor, who had the advantage of possessing a good heart and of supporting his friends, proceeds to again recommend Colden to the ministry's notice, and begs that the "faction may not have the pleasure to see an innocent person sink under the load of calumny which they for that purpose have heaped upon him." While about this time the ministers were drafting additional instructions for Clinton, he was striving with all the energy of a long-nursed hatred to put his friends into the provincial council and to obtain orders sanctioning the suspension of De Lancey's friends.

At the end of August, 1751, Clinton thought he had secured a great prize in that the superannuated attorney-general, Bradley, had died just as Clinton was endeavoring to find a berth for William Smith, the historian's father. About this period John Chambers, the governor's last appointee to the council, was made second justice of the Supreme Court in place of the late Adolphus Philipse. Chambers had preferred the council-board to a seat in the assembly, even from New-York, where he was said to be very popular, and now, when he was to have a place on the bench, "he declined it unless it were granted during good behaviour, with such strong reasons, as convinced me of the necessity and fitness of granting of the office to him in that manner, and I have not the least reason to believe that either I or any of my successors, or the people in General will have any cause to wish he had a less tenure in the office." Although we may not doubt Clinton's word, it does seem against the ordinary course of probability to assume that in the granting of this second judicial appointment during good behavior he did not mean to place this man in precisely the same position to De Lancey as the chief justice had assumed toward him. There were but few alternatives, and from them he must draw benefit; either Chambers would be true to him, or else establish a party of his own and thus neutralize De Lancey's party; or, again, during his successor's administration put himself on the side of government or disrupt the faction. For no one believed it likely that, even if De Lancey obtained his commission as lieutenant-governor, he would ever rule, as the English government meant to send out a new governor.

Apart from the quarrels of the provincial assembly, the Indian questions were calling for a rapid solution, as the never-ending intrigues of the French to break the bulwark which the Six Nations formed were gradually succeeding. On the other hand, the English had pushed over the Alleghanies into the Ohio Valley, and thereby buttressed the sinking faith of the heroic Indians in the purpose of the English not to let the French complete the chain of forts in their rear. All that was needed to effect this was a strong governor in New-

York who could obtain sufficient supplies from his assembly. Clinton could not. He had antagonized the Dutch of Albany too severely, and Johnson's ability was disliked by them as much as he was dreaded by the assembly as Clinton's instrument. In consequence of this, the assembly, which the governor delayed summoning till the last moment, refused to provide for any of Johnson's Indian expenses, and gave their partizans such allowances as they thought fit. This plan was checked by the council, now in Clinton's hands, and a deadlock arose because the council proposed a money bill. The governor dissolved the assembly, but did not expect a greatly different set of men to be returned. In fact, the conviction gradually seems to have grown on him that in spite of the personal behavior of the assemblies, nay in spite of their love for deals and jobs for their friends, the animating spirit of the faction was the popular feeling that his assertion of the royal prerogative was out of date, and unsuitable to their surroundings and ideas. Therefore, his entire energy was directed to having the lords of trade either recall him, or give him such powers as to effectively deal with the faction. Of course the burden of his song was to demand permission not to deliver De Lancey's commission, and this the English government would not give. Yet they had not been idle, for after many years' deliberation new orders were passed in council, commanding the governors to enforce their commission. There was little consolation in this for Clinton, who by some chance had succeeded in obtaining his supplies for the year 1752, and who expected to be able to suspend De Lancey, appoint Colden, and return home before the supply bills expired in September. But again peremptory orders to stay in New-York arrested this plan. Clinton again told of his trials and of the unruly faction that made life miserable to him, and remained.

WALL STREET PRESBYTERIAN CHURCH.

Now he discovered another element in the faction which must be suppressed. This time it was the mercantile class of New-York, who had grown rich by evading the customs duties, and had carried on trade with the continent. These were now represented as having all the vices and as being inspired by all the ill-will which formerly (according to Clinton) characterized in turn the rich and the poor; the Dutch of Albany, the English manor-lords, and the French of New-York; the tricky lawyers and the dull country storekeepers; the scheming city members and scatter-brained country representatives;

who all had at one time or another been loaded with invectives for opposing the governor. Of course this proved but one thing to any fair-minded observer: that if Clinton was right and the entire province wrong, Clinton and not the inhabitants of the province should be removed. We have seen how doggedly the government allowed Clinton to struggle, and how little it aided him; now, with the same disregard of political consequences, they defeated one of Clinton's schemes and sent over William Kempe to be attorney-general, who with his family arrived on November 4, 1752. The *ad interim* holder of the office, William Smith, had worked hard and had not received any salary. Although herein Clinton felt himself aggrieved, worse news was awaiting him. On November 29, 1752, the lords of trade gave him a severe reprimand for the tone of his letters, and told him that not only must he stay and not consider his governorship of New-York a place of punishment, but that he must give up all idea of having Colden succeed him. In view of all that he had so efficiently shown in regard to the power of De Lancey's faction and the chief justice's hatred of him and of Colden and his party, it would be but inviting worse disorder to put Colden into temporary control of New-York, when to do this it would be necessary to divest De Lancey of his commission as lieutenant-governor. With the final order to stay till relieved, the lords of trade bade him farewell. Clinton resigned himself as well as he could to his fate, and tried to keep his attention fixed on the Indian congress which now was to meet in New-York city. In June, 1753, there appeared at this council the several Indian chiefs who, with Hendrick, had preserved New-York from the French and had kept the lakes in the north from becoming part of French Canada. Besides the Indians, there was present the governor, whose council had been purged of the faction, as the members who attended were James Alexander, Archibald Kennedy, Mayor Edward Holland, and William Johnson, who all belonged to Clinton's party. The conference with the Indians in the main aimed at restoring confidence, promising them presents; but as Clinton probably intended to exhibit to the representatives of the Six Nations what a fine town New-York was, it may not be out of place to here show what changes had taken place during Clinton's administration.

New-York had grown very much, as several new streets were opened where formerly the farmers had only the easement of right of way. This was the origin of Beekman street, which was laid out and graded in 1752, although since 1656 the farmers had had the right to drive their cattle to the commons through it. A few years before this time (1750) Dey street, named after adjacent property-holders, had been opened. Thus the city was extending more and more to the north; meanwhile Ferry street was added to the city, Thames street opened,

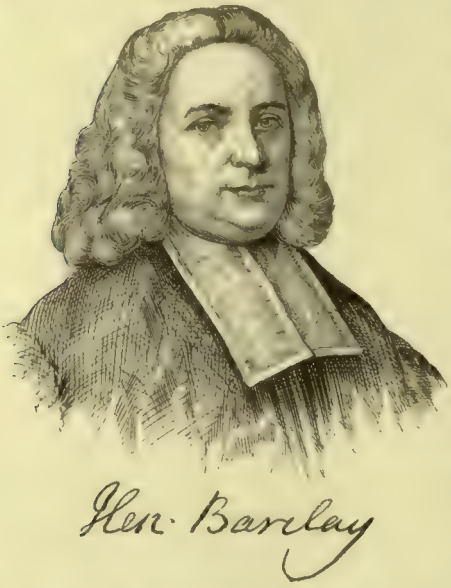
John street straightened, while Pearl street was graded down near Peck Slip, and regulated between (the modern) Franklin Square and Chatham street. Within very little time after their opening these streets were paved, of course only with river cobblestones.[1] In regard to the public health our knowledge is negative, and it can be only assumed that the sanitary condition of the town was improved because the smallpox prevailed but once in the ten years of Clinton's rule. Although we have no reason to suppose that the streets were in any worse state than those of any other small town of the time, it is gratifying to note that during this period we no longer hear of the Grand Jury presenting Beekman, Burling, the Fly, and Old Slips as nuisances, because of their general unsavory character, as had been the case in 1743. At that time the city ordained that no pigs or cattle were to be kept in the southern part of the town. North of it, every thing in sight was prairie and marsh. The water was very poor, and constant attempts were made to sink new wells; thus, in 1748, the corporation contributed toward two new wells, one on John street, near Broadway, and the other by the Spring Garden, near the Drivers' Inn, where Broadway diverges eastward to the Bowery (on the site of the Astor House). This period also saw the growth of a number of churches, for although the city members of the assembly were slow to open the public treasury for blockhouses on the frontiers, their constituents vied amongst themselves for the honor of having for each denomination its own church. In 1747 the Presbyterian church was rebuilt, and four years later a Moravian church was erected in (the modern) Fulton street. In the year following (1752) St. George's Chapel was built by Trinity Church on the corner of Cliff and Beekman streets, and was ministered to by the Rev. Henry Barclay a former missionary among the Mohawks, but now [July 1, 1752] rector of Trinity Church.[2] At first it had been intended to build this chapel on Nassau street, near Fair (now Fulton) street, and a lot was actually bought there. In 1749 the corner-stone was laid; the very next day the Rev. Samuel Auchmuty, Mr. Barclay's assistant, was married to a Mrs. Tucker. A few weeks previously the rector himself had been united in marriage to a daughter of Anthony Rutgers. Sir Peter Warren gave one hundred pounds toward the building of it, and a pew was assigned to him in recognition of the gift, which he never occupied. The chapel was a conspicuous object, as it stood almost alone in that vicinity. Dr. Stephen H. Tyng preached here until it was superseded

[1] In the middle of the century there was only one coach in New-York, except Governor Clinton's, and that belonged to Lady Murray. At this date it was desirable, if not necessary, that the Dutch language be spoken, in order to deal advantageously in the markets. EDITOR.

[2] In February, 1750, a fire broke out in the New Free School, of which Joseph Hildreth, clerk of Trinity parish, was the master. The church was in great peril, but was fortunately saved. All the archives of Trinity were, however, destroyed. EDITOR.

by the handsome structure in Stuyvesant Square. The common council had, in 1747, already encouraged native industry and historical study by voting four pounds for the printing of fifty copies of a little "Essay on the Duties of Vestrymen."[1] But its highest munificence was shown in 1752, when the corporation contributed a subscription of one hundred pounds toward the building of the first Merchants' Exchange, then at the lower end of Broad street, near Bridge, the one thoroughfare of our city which has never changed its name, except in translation.[2]

Clinton's administration had in fact benefited only those who had private ends to serve and who could cloak them under the guise of popular principles cleverly enough not to be detected. Gradually the vanity every partizan is shamed into by the repetition of his principles must have prepared move ments to which sincere men clung; but, in the main, the struggles for power of the De Lanceys, or of the opposition under the Livingstons and the Albany Dutch, or even of the avowed Toryism of Colden, were as little actuated by considerations of the rights of the people as were Clinton's efforts for the preservation of a steady revenue, and a strongly centralized power of distributing the patronage. That, with all these ordinary motives, these times prepared the men of New-York for the storms of the Revolution, and carried the political education of the great seaport into the rural districts, does not reflect upon the actors any merit or blame. Men in political life are no better than their surroundings; and if New-York politics even at that period have a tinge of that political fever which in the first ten years after 1800 burned most fiercely in this city, it must be remembered that it was the outcome of a transplanted civilization, one of whose most familiar characteristics, on emerging from the first necessities of life, is to adopt the grossest or more



[1] William Bradford, the father of printing in New-York, died during the year 1752, and was buried in Trinity churchyard. A representation of his tombstone, with fac-similes of the title-pages of many of his earliest publications, and of the first New-York newspaper, which he established in 1725, may be seen in the previous volume of this work. His son, Andrew Bradford (1686–1742), was the founder of the newspaper press in Pennsylvania, and his grandson, Colonel William Bradford (1721–1791), the patriot printer of the Revolutionary period, has been admirably commemorated by his descendant, John William Wallace, for many years the President of the Historical Society of Pennsylvania. EDITOR.

On the map of the city for 1789 it is named Wincom street; so that for a brief period the ancient name was in abeyance. EDITOR.

palpable political rottenness of the mother-country, because that appears to be essentially human and the outcome of a high development. The New-York of Clinton's time was not more selfish than the England of George II., only very much cruder. Yet the fine art displayed by De Lancey, coupled with his firmness of grip, is traceable to an admirable mixture of French and Dutch blood. Besides the larger factions there were all those disappointed officers who had been balked in their hopes and baffled in their vengeance. All these tacitly agreed to wait till Clinton's successor should appear; then to begin afresh.

While Clinton was entertaining his Indian allies, the ministry had found his successor, and in July orders in council were issued for Sir Danvers Osborn's commission. At about the same time the crown lawyers, Ryder and Murray (Lord Mansfield), authoritatively gave the opinion that De Lancey's commission, issued during good behavior, had been well issued, and that Clinton could not revoke it without a misdemeanor proved. The last hope Clinton had of revenging himself and Colden on their enemy now vanished, and when the new governor arrived in October, Clinton finally gave De Lancey his commission as lieutenant-governor, and retired to his country-seat at Flushing, Long Island, where he prepared to leave the country. In November Clinton returned to England, became a member of parliament, and received a sinecure post as governor of Greenwich Hospital, which he held till his death, on July 10, 1761.

ST. GEORGE'S CHAPEL.

MAYOR JOHN CRUGER'S EXPERIENCE ON A SLAVE-SHIP.

In addition to the biographical notice already given of John Cruger (the elder), who was mayor at the time Governor Clinton's administration began, it may be both interesting and instructive to insert here his own account of an incident in the early part of his career. In 1698, while still a mere youth, he was appointed supercargo of the Prophet Daniel, Captain Appel, a regular "slaver." He made the following report:

"New York, Friday, 15th July, 1698, we weighed anchor bound for the island of Don Mascowrena; 3d October, found ourselves under the island of St. Thomas, went in to water and clean the ship; 4th October, Captain Appel came on board and told me he would not go on board again before some of the people were out of the ship,

and that I must find some way to pay their wages, so that I was forced to sell some rigging for said use, before Captain Appel would come on board; he left one man at said place, called Whiter, a very troublesome fellow; 7th October, sailed from St. Thomas; 20th February, 1699, Captain and Master judged themselves to leeward of the island Don Mascowrena; Sunday, 13th July, we arrived at Mattatana, (whither we had been compelled to turn our course,) and I went on shore to trade for negroes, but the harbor proving bad we were forced to remove from that place — I having purchased 50 slaves at St. Mattatana; 24th August, arrived at Fort Dolphin; 27th do.. I acquainted Mr. Abraham Samuel, the king of that place, of my arrival, and came with him to a trade; 12th September, I went with Mr. Samuel twenty-five miles up in the country, and on the 14th in the morning, I got the miserable news that our ship was taken by a vessel that came into the harbour the night before. Whereupon I made all the haste down I could, when we got some of the subjects of Mr. Samuel to assist us, and we fired upon said pirate for two days, but could do no good. Then I hired two men to swim off in the night to cut their cables, but Mr. Samuel charged them not to meddle with them, (as I was informed, said Samuel having got a letter from on board the said pirates, in which I suppose they made great promises, so that he forbid us upon our lives not to meddle with any of said pirates). When said ship came in at an anchor they desired our boat to give them a cast on shore, they having lost their boats, and pretended to be a merchant ship, and had about 50 negroes on board. At night, said Captain of said ship desired that our boat might give him a cast on board of his ship, which was done, and coming on board he desired the men to drink with him, and when said men were going on board of our ship again they stopped them by violence, and at about 9 at night, they manned the boat and took our ship, and presently carried away all the money that was on board, rigging, and other things that they had occasion for, and then gave the ship and negroes, and other things that were on board to said Mr. Samuel. The Captain's name of the pirate was Evan Jones; Robert Moore, master; John Dodde, quarter master; John Spratt, boatswain; Thomas Cullins, Robin Hunt, from Westchester, New York, and others. Mr. Abraham Samuel took likewise away from me 22 casks of powder and 49 small arms, likewise all the sails belonging to the Prophet which were on shore, and then sold the ship again to Isaac Ruff, Thomas Welles, Edmd. Conklin and Edward Woodman, as it was reported, for 1,400 pieces of eight. The purchasers designed to go from Fort Dolphin to the island of Don Mascowrena, and thence to Mattatana, upon Madagascar, and so for America.

"Captain Henry Appel, Jacobus Meener and Isaac Sommers went along with them; some days after there arrived at Fort Dolphin a small pinke, called the Vine, Thomas Warrent, master, from London, which took in slaves from said place, and bound for Barbadoes, in which I took my passage, and was forced to pay for the same 66 pieces of eight and two slaves.

"Saturday, 18th November, 1699, I departed from Fort Dolphin with four of the people more that belonged to the ship Prophet Daniel, in the aforesaid pinke Vine, for Barbadoes, leaving on shore, of the ship's company, only a mulatto boy, called Gabriel; 22d December, 1699, arrived at the Cape of Good Hope, where the vessel took in water and provisions and departed 16th January, 1700; February 2d, arrived at St. Helena and departed 8th do.; 17th February, arrived at the island of Ascension, got turtle and fish and departed 18th do.; 24th March, arrived at Barbadoes; 17th April, 1700 departed from Barbadoes in the pinke Blossom, Robert Darkins, commander, bound for New York; 11th May, 1700, I arrived at New York, and because I may not be censured an ill man, and that it may be thought that I have saved any thing that belongs to the owners of said ship, I do declare that I have not, directly nor indirectly, saved any thing that belongs to them, nor wronged them of the value of a farthing, but contrary, I have done all possible to serve their interest that I could.

"JOHN CRUGER."

CHAPTER IX

SIR DANVERS OSBORN AND SIR CHARLES HARDY
1753–1761

WEDNESDAY, October 10, 1753, was a notable day in the history of colonial New-York. It marked the close of an administration longer than any since the days of Stuyvesant, and one that, toward the end, had become offensive to the people of city and province. On that day Sir Danvers Osborn appeared before the retiring governor, George Clinton, and the council, and, after reading his commission from King George II., took the oath of office as governor. Then, while this ceremony was occurring within doors, the preparations for the more public induction into his office were also being made. Upon the "Parade" before the fort, on the site of what we know as Bowling Green to-day, were assembling the mayor of the city with the other officers of the corporation and the aldermen and assistant aldermen; in another group were gathered the officers of the militia or train-bands, the clergymen, and other gentlemen belonging to professional or mercantile circles. Ere long this imposing assembly of dignity and worth heard the beating of drums behind the walls of the fort, the gate was thrown open, and, preceded by a company of foot, the retiring governor, arm-in-arm with his successor, and followed by the members of the royal council, marched forth on the way to the City Hall. The procession, completed by the accession of the city dignitaries and the other waiting groups of promi-

Danvers Osborn.[1]

[1] Sir George Robert Osborn, sixth baronet, to whom we are indebted for the portrait of his ancestor, Sir Danvers, and also for the modern picture of Chicksands Priory, near Shefford, Bedford County, died at the family seat January 11, 1892, aged seventy-nine. His grandson and successor, Sir Algernon Kerr Butler Osborn, seventh baronet, was born August 8, 1870. From Miss Osborn, a daughter of Sir George, we received the pathetic letter written by Sir Danvers to his two sons which appears in fac-simile on another page of this chapter.

nent citizens, defiled up the hill from the Parade-ground into Broadway, whose sides were lined by a great concourse of people. Flags waved from private houses, and windows and roofs were crowded with spectators. Wheeling to the right as Wall street was reached, the procession descended the slight declivity, halting before the City Hall, and, forming in two lines, the governors passed between into the building, whence the commission of Sir Danvers was read in the hearing of the assembled people. No sooner was this done than cannon boomed and all the church bells of the town began to ring. It was indeed a gala-day throughout: when night descended bonfires cast a ruddy glare from several street corners, and colored lamps adorned the houses of the more elegant and decorous citizens. Then there was feasting and banqueting, as there had already been for some days before.[2]

BIRTHPLACE OF SIR DANVERS OSBORN.[1]

Sir Danvers Osborn was born at the family seat of Chicksands Priory, county of Bedford, on November 17, 1715, and was thus in the thirty-eighth year of his age when he took charge of the government of New-York. He came of a family which held by inheritance positions of trust near the king's person from the days of Edward VI. Some of these functionaries were knighted, but in 1662 the bearer of the name and of the office was created a baronet. Sir Danvers succeeded his grandfather at the early age of five, his father having died before the latter. He thus became the third baronet, while his representative and descendant to-day, Sir Algernon, is the seventh in succession. The mother of Sir Danvers was a remarkable woman. She is known in history as the Honorable Mrs. Sarah Osborn, as on account of her husband's premature death she did not acquire the title of Lady Osborn. She was the daughter of Admiral Sir George Byng, afterward (1721) created Viscount Torrington, and sister of that unfortunate Admiral Byng who was shot in 1757 for "error in judgement" in retreating before the French at Minorca. According to Macaulay, there seem to be strong reasons to suspect that he was sacrificed for political considerations. His sister, Mrs. Osborn, made every possible effort to move the king to exercise that mercy which the court-martial recommended, but in vain. His last letter was to

[1] The southeast view of Chicksands Priory, in the county of Bedford, birthplace of Sir Danvers Osborn, Bart., as it appeared in 1730.

[2] By the courtesy of Mr. Robert Ludlow Fowler, there has been placed at the disposal of the Editor a study of Osborn's brief incumbency, in manuscript, from which many valuable and interesting details have been derived; see also "Documents relating to Colonial History of New-York," 6: 803, 804.

her, and she also sacredly preserved a note of Voltaire's to the admiral, inclosing a letter to him of the Duke of Richelieu, the commander of the French fleet, exonerating his opponent from all blame, inasmuch as the forces at his command were utterly inadequate. Voltaire's note and its inclosure are still to be seen at Chicksands Priory. Truly this lady's lot was a hard one, for soon we shall have to record her son's violent end, when again, as in his own youth, the management of the estates of the baronetcy was thrown into her hands during a long minority.

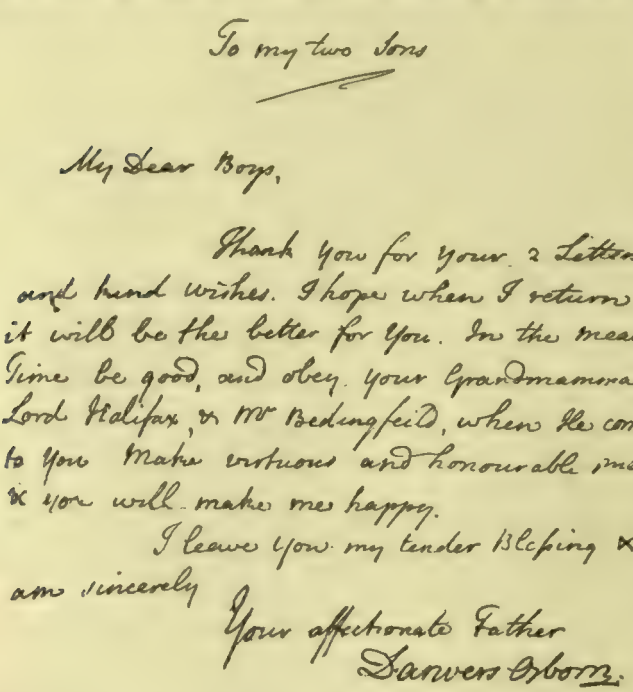
At the age of twenty-five, in September, 1740, Sir Danvers was married to Lady Mary Montagu, a daughter of George, Earl of Halifax, and sister of that Lord Halifax who was one of the lords of trade. To this lady he was devotedly attached. She bore him two sons, but immediately after the birth of the second, in 1743, Lady Osborn died, plunging him into an inconsolable grief, which threatened to unseat his reason. "Sir Danvers never seems to have recovered his spirits after his wife's death," writes a descendant. "For some years he led a restless and wandering life, . . . and was elected member of Parliament for the county of Bedford. . . . In 1745, during the rebellion of the young Pretender, he raised a troop of men, and led them in person to support King George. In 1750 he went to Nova Scotia for six months on a visit to the governor, Lord Cornwallis."[2] Finally his brother-in-law, Lord Halifax, then the president of the board of trade and plantations, exerted his influence to secure for him the position of governor of New-York. It was hoped the entire change of scene, as well as enforced activity, would prevent his mind from brooding over his sorrow. But the sequel proved that the step was ill-advised, and the kindly intentions were destined to be fatally disappointed.

Probably by reason of the shocking event that terminated the series, there is great minuteness in the account of the occurrences that at-

[1] Admiral John Byng, fourth son of Viscount Torrington, from a photograph of the original picture by Hudson at Chicksands Priory.

[2] "Political and Social Letters of a Lady of the Eighteenth Century," edited by Miss Emily F. D. Osborn (youngest daughter of the late baronet), New-York, 1891, pp. 11, 12. The person thus referred to was the Hon. Mrs. Osborn, Sir Danvers's mother.

tended the arrival, the inauguration, and the assumption of his new duties by Governor Osborn. On August 22 he sailed from Portsmouth in H. M. S. Arundel, and two days before wrote to his sons, lads of about twelve and ten years respectively, the letter which we subjoin in fac-simile, and which is extremely pathetic in view of the fate which we now know was impending over the affectionate and stricken parent.[1]



To my two Sons

My Dear Boys,

Thank You for your 2 Letters and kind wishes. I hope when I return it will be the better for You. In the mean Time be good, and obey your Grandmamma, Lord Halifax, & Mr Bedingfeld, when he comes to You. Make virtuous and honourable men & You will make me happy.

I leave You my tender Blessing & am sincerely

Your affectionate Father
Danvers Osborn.

On Saturday, October 6, 1753, the vessel that had conveyed him across the ocean entered New-York harbor. On the next day, Sunday, the 7th, Sir Danvers landed in state at the foot of Whitehall street, and was formally received by the royal council, Governor Clinton being at his country-seat at Flushing, Long Island. Although it was Sunday, the festivities were begun by a banquet in honor of the new incumbent; the next day Clinton came into town, and had a conference with Osborn at the governor's residence in the fort. On that (Monday) evening again a public dinner was given, at which both Sir Danvers and Clinton appeared, and which was tendered by no official body, but by the prominent citizens of the colony.

As the mansion in the fort was undergoing repairs preparatory to the change of occupants, Sir Danvers was invited to the house of a member of the council, Mr. Joseph Murray. This gentleman had married one of the daughters of Governor Cosby, and as Mrs. Cosby was related to the Earl of Halifax, Mrs. Murray was also a distant connection of the late Lady Osborn. Mr. Murray was a man of ample fortune and of marked ability. He "was the principal lawyer of the

[1] The original letter is indorsed by the Hon. Mrs. Osborn, as follows: "Sir Danvers Osborn, August 20, 1753, to his two sons, from Portsmouth. Sailed from thence Aug^{t} 22—to that unfortunate Government of New-York, where he arrived, October 6, and dyed the 12—". The copy of this interesting letter, with this indorsement, was furnished to the Editor by the courtesy of Miss Emily F. D. Osborn, whose work has been cited on the previous page.

province, and a leading member of the royalist party."[1] His house was situated on the lower part of Broadway, the garden in the rear extending to the edge of the Hudson River, which, as is known, then came up as far as the present Greenwich street. Mr. Murray's home "was for that time in America a very luxurious one. . . . Sir Danvers must have been quite as comfortable there as in his own house in England. The difference in the material comforts of the two countries was not then more marked than now, the colonial English generally importing much of their contemporary comforts to their colonies and territories."[2] On Tuesday, the 9th, Governor Clinton made a formal call on Sir Danvers at his host's, and the day was also marked by the presentation of the freedom of the city in a gold box. The

CHICKSANDS PRIORY AS IT IS AT PRESENT.

ceremonies and jubilations of the inauguration, on Wednesday, the 10th, have already been described. Even then the shadow of the sad event to come had begun to settle upon the new governor. The crowds that lined Broadway and Wall street as the procession passed gave vent not only to their enthusiasm at the sight of Sir Danvers, but that of the retiring governor excited them to an ill-timed and coarse anger, and they uttered shouts of derision and words of vituperation against him. This did not affect Clinton half as much as it did the sensitive Osborn; and he gave evidence of the fact that this ill-mannered conduct had made an impression upon him by the effort to soften its unpleasantness for his predecessor. He observed that he fully expected to be himself made the mark of such assaults ere he had been long in the government. An intimation of the perfect correctness of this presentiment was received by him on the very next day (the 11th),

[1] These citations are from Mr. Fowler's MS. [2] Doc. rel. Col. Hist. N. Y., 6: 804.

while, so to speak, the echoes of the cannon and the bells celebrating the joy at his coming had scarcely ceased. In the address from the corporation had occurred this clause, expressing the assurance that his Excellency would be as "averse from countenancing as we from brooking any infringements of our inestimable liberties, civil and religious."[1] The governor did not like either the words or the tone of this passage: he distinctly contemplated requesting the corporation to remove it from their address, but wiser counsels dissuaded him. In the face of this determined stand of the colonists, he remembered that his instructions called for a specially determined effort to curb this very spirit and curtail some of these all too liberal privileges. He inquired of one of the councilors how the enforcement of these instructions would be met. He was informed that the provincial assembly would not yield an inch of the power which had passed into their hands when the grants of revenue had been made annual with detailed appropriations, instead of for a number of years and undistributed. When this reply was made the disconsolate chief magistrate bowed his head, and sighed, "What then am I sent here for?"[2] to which there was no response.

THE OSBORN ARMS.

Immediately after the inauguration dinner, while the other guests still remained at the table, Sir Danvers had asked to be excused on the ground of indisposition. On the next day (the 11th) he dined quietly at an early hour at the home of his host. Still complaining of illness, Mr. Murray proposed to him to take the air either in a carriage or a ride on horseback. This being declined, and his guest's depression of spirits appearing to increase, the best physician in town, Dr. Magraw, was summoned; but his prescription was disregarded, and the governor retired early to his chamber, ordering some broth to be prepared.[3] It was the last time that he was seen alive. Early the next morning, Friday, October 12, the body of the unhappy Sir Danvers was found suspended from the fence in Mr. Murray's garden.

It is not difficult to imagine the consternation that must have seized upon the little colonial capital as the news of this dreadful occurrence was noised abroad. Several governors had died in office, and some suddenly; but none of these deaths had been of this character, after a rule of but two days and apparently by suicide. The

1 "History of New-York," by William Smith (cont. to 1762), in 2 vols. (N. Y., 1830), 2: 183.

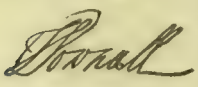
2 Ib., 2: 185.

3 "All the papers and chronicles of the time are very precise about the new governor's movements, and particularly how and where he dined and supped. . . . Mr. Murray, in a deposition taken under oath by order of the council to be sent to England, states that the physician ordered 'sack whey.' Sir Danvers declined, and ordered his servant to bring 'broath' instead. Mr. Murray seems to have thought this fact of importance, and that the most skeptical lord of trade of the last century would be convinced that a man who preferred broth to sack-whey must be mad indeed." Mr. Fowler's MS.

THOMAS POWNALL, SECRETARY TO SIR DANVERS OSBORN.

heat and bitterness of party spirit did indeed dare to broach the suspicion that the adherents of the lieutenant-governor had sought this execrable means of placing their favorite in power. But this charge was too monstrous to be seriously or long entertained even in that day. Yet it led to careful depositions regarding the attending circumstances, which were sent to England to convince the lords of trade that there had been no foul play, but that Sir Danvers had died by his own hands. The funeral occurred on the next day (October 13), and as the Rev. Henry Barclay, rector of Trinity, had felt some scruples

about consigning his Excellency's remains to the grave with the usual ritual, the unhappy fact (which, however, lessened the horror of the deed) was clearly brought out by other depositions that insanity had before visited the heartbroken baronet for a brief period since his wife's death, and that he had even attempted his life before. By the testimony of his private secretary[1] and other companions on the voyage, and of close observers of his actions throughout the inaugural exercises, it was proved that the change from England to America, and the assumption of new and untried activities, so far from affording the hoped-for relief from the threatened malady of heart and brain, had really only aggravated it and hastened the fatal result.[2]



It must be confessed that the political opinions or at least affiliations of the prominent New-York personages and their families in the middle of the eighteenth century present many puzzling complications. By a most arbitrary exercise of power, at the mere nod of Governor Cosby, Chief Justice Lewis Morris, the favorite of Robert Hunter, had been removed from his high office, and James De Lancey, not yet thirty years of age, appointed in his place. That De Lancey heartily acquiesced in this infringement upon colonial liberties was shown not only by his acceptance and retention of this office, but in a marked degree by his conduct at the Zenger trial. On a previous page have been described his contentions with the two great jurists, William Smith and James Alexander; they calling in question the validity of his appointment, whereby he was compelled to disbar them. Then De Lancey was the stanch champion of the governor and of the prerogatives of the crown; while Smith and Alexander having fomented the opposition against the governor in the very newspaper that appeared in the libel suit, continued after their legal victory to agitate in favor of popular rights. During the next administration there was a complete change of base. The animosities awakened by the trial continued the same, but they led the combatants to an interchange of camps. Governor Clinton claimed that De Lancey remained friendly toward him only until by this dissembling conduct he had induced his Excellency to change the tenure of his office of chief justice from one at "pleasure" to one on "good behavior." As soon as the latter had been effected, making De Lancey independent of the governor, it was charged that he threw himself into

[1] This was Thomas Pownall, Esq., who remained in the colonies after Sir Danvers's death, and by his intelligence and industry raised himself finally to a high rank in their service. He was an author before he left England, having published a work on the philosophy of political institutions. In 1757 he was appointed governor of Massachusetts, served three years with ability, and having solicited his own recall from that government, he was at once made governor of South Carolina, a post which he held for ten years. He had been offered the governorship of New-York, but declined it. He died at Bath, in 1805, at the age of 85 years.

[2] Fowler MS. notes.

the ranks of the opposition, determined to render Clinton's position as unpleasant as possible. But we may well look for some other cause than mere caprice, as De Lancey's support of the governor was in entire accord with his course during the incumbency of Cosby and Clarke, a period of nearly eleven years. There no doubt was a quarrel, and hence it is equally certain that the governor gave De Lancey some reason to be offended. It is also to be observed that there appears to be no rupture between these high functionaries till three or four years after Clinton's assumption of the government. But after that there is scarce a letter written by the governor to the lords of trade, or to individual members of that board, or to private correspondents, that does not reiterate with painful monotony the story of the evil conduct of the chief justice. He regrets that he has made his appointment to depend on good behavior, and actually discusses the question whether that step on his part could not be annulled at home.[1]

His complaints, bitter and unending, against De Lancey (as has already been more fully related in the preceding chapter), were met by the authorities in England in a most startling manner, exceedingly humiliating to the governor. While seeking to lower him in the esteem of the lords of trade, Clinton, on the other hand, sounded the praises of Cadwallader Colden, and recommended that the latter be appointed lieutenant-governor. He descanted on the advantages of creating such an office at the present juncture, when matters were fast ripening toward the breaking out of the French and Indian war, and when the governor had to be absent from the capital so frequently to adjust relations with the Indians and the other colonies.[2] The ministers at home saw the cogency of his recommendation so far as the office was concerned, but passing by the gentleman whom he named as peculiarly fitted for it, they conferred the honor

[1] Doc. rel. Col. Hist. N. Y., 6: 356, 357. [2] Ib., 6: 313.

on none other than Clinton's persistent enemy, James De Lancey, who retained at the same time the chief justiceship. On October 27, 1747, this appointment, with the commission, was received by the governor; and as he had requested a leave of absence, he would have been compelled to hand the commission to De Lancey at once, and allow him to indulge the satisfaction of being chief ruler for a brief period.[1] To prevent this Clinton actually declined to avail himself of his permission to leave.

METHODIST CHURCH IN JOHN STREET.

On the death of Sir Danvers Osborn the lieutenant-governor, by virtue of this same commission of 1747, was duly invested with the government of the province. From his own account we learn that on the morning of the inauguration the retiring governor handed this commission to De Lancey in council before Sir Danvers read his. On the fatal Friday, the council having been hastily summoned, De Lancey read the document only in the presence of the members and the officer of the guard, as anything more public would have been inappropriate. The acting governor's first care was to appoint a committee consisting of James Alexander (the oldest councilor present), John Chambers (second justice of the Supreme Court), and Mayor Holland, to make an investigation into the cause of Governor Osborn's death. The assumption of the government, however, placed De Lancey in a very curious, if not anomalous position. He had devoted all his talents and energies to oppose and harass Governor Clinton. But the royal governors stood for the royal prerogative, and the burden of its demands was limited to one cry: a permanent revenue, without specific appropriations. De Lancey had, therefore, been the advocate of the opposite policy: annual grants, definitely appropriated. That was the popular cry, and Cosby's chief justice, and Zenger's very partial judge, must perforce take up that cry, and identify himself with the popular party. This sent Smith and Alexander, the champions of Zenger and of popular rights, into the ranks of the governor's and the royalist party, and Clinton urgently recommended their reinstatement in the council, whence Cosby had banished them. It is somewhat disheartening thus to notice personal pique determining men's stand on great questions of public policy; but, doubtless, many patriots who now are lauded to the skies permitted similar motives to influence them. Fortunate those who were thus unworthily led to adopt the popular or successful side; but this should make one less harsh

[1] Doc. rel. Col. Hist. N. Y., 6 : 416.

in judging those who conscientiously and, therefore, worthily resolved to stand on the losing side.

With a record of strenuous support of the provincial assembly in their plea for annual grants, what was De Lancey to do now that Sir Danvers Osborn's instructions passed over to him to be carried out? Delicate and difficult as was his task under the circumstances, yet it was in reality greatly facilitated by reason of his known sympathy with the opponents of the government's claims, and his former strenuous advocacy of their policy. It could easily be appreciated by them that in his capacity as acting governor he must perforce press the instruction on this point; but then they would know that it was merely perfunctory, and that if they disregarded this injunction, it would not be his fault, and would not cause him any chagrin. While he must necessarily report their adverse action, the spirit in which this would be done would radically differ from that of the previous governor; and the manner of reporting, together with his comments, might even lead the home authorities to understand the folly of insisting upon that which it would be impossible to obtain. As appears from a letter to Governor Hardy, this result was actually attained to a moderate extent. How well De Lancey avoided offending both parties, yet remained perfectly loyal to his convictions as well as to his superiors, is shown by some passages in a letter to the lords of trade, dated January 3, 1754, the first in which he treats of the mooted point: "Governor Clinton . . . took up with the annual salary of £1560 for some years successively; he then, upon some dissatisfaction with the Assembly, tryed to have the support in the former way, but could not obtain it by the rougher method of Dissolutions. I have tried the softest Methods I could, but to as little purpose. The principal members frankly told me I might dissolve them as often as I pleased, as long as they were chosen (which I hear most of them would be again, if dissolved on that point) they would never give it up." And now is indicated the beneficial results of the *entente cordiale* between the lieutenant-governor and these refractory assemblymen. In their resentment against Clinton, the practice of annual grants had been pressed so far that some of the clear prerogatives of the king as executive had been invaded. Hence, in a "Representation of the Lords of Trade to the King," they justly complained "that the Assembly have taken to themselves not only the management and disposal of such publick money, but have also wrested from your Majesty's Governor the nomination of all offices of Government, the custody and direction of the publick military stores, . . . and in short almost every other executive part of Government." It is doubtful whether at Clinton's instance the assembly would have yielded even these unwarrantable powers. But it was different under De Lancey; and so he is able to report to the

lords: "What they would come into was, . . . not to meddle with the executive part of the Government, which I had convinced them was an encroachment on His Majesty's Prerogative, the Executive Power being solely in the Crown."[1] Aside from these legislative difficulties, the times were trying, for the French and Indian war was impending, and, indeed, hostilities had already begun. There were men to be enlisted, military stores provided, and money to be raised for defense and attack. Through all this the New-York assembly kept a keen and wakeful eye upon its rights. But De Lancey's neutrality or impartiality between the two contending forces was really an advantageous circumstance. In all his letters he points out the obstinacy of the assembly, but also the danger of unwisely provoking it on the part of the home government. He wishes to remain true to the unwise instructions, but, in one instance, boldly transgresses them, and writes: "I hope the necessity of securing the Province and of obtaining money for the use of the King's troops . . . will plead for my excuse in breaking through my Instructions by giving my assent to a Law for a paper Emission without a suspending clause; I could not get money in any other way, as your Lord$^{pps.}$ may be convinced of from what passed between me and the Assembly on this Subject last fall."[2] The lords of trade must have been more than ordinarily blind not to have commended his independent judgment and action in this emergency. In fact it would seem as if the interests of the colonies, and of the crown if it wished to retain them in possession, would have been immensely promoted by leaving in power such men as De Lancey, born in the country, in touch with its citizens, yet loyal to England so long as it acted wisely and justly. But a native Englishman, one near the court, one who must be rewarded by place, one who needed a reparation of fortune, such was the ideal of the man for colonial governor in America ever in the minds of the ministers at home, fitness or capacity being very subordinate considerations; and such a one, answering in one or more particulars to this ideal, was again selected to supersede Lieutenant-Governor De Lancey in the government of New-York.

As early as January 29, 1755, an order of council, regularly convened with the king present, was executed appointing as captain-general and governor-in-chief of his Majesty's province of New-York a gentleman named "Charles Hardy Esq^{r}" in the document. He was a captain in the royal navy, about fifty years of age at the time of his appointment, and in addition to or connection with this honor he must have been knighted by his Majesty, for the first communication of the lords of trade to him, before he had reached America, and dated August 12, is addressed to "Sir Charles Hardy, Knight."[3] He

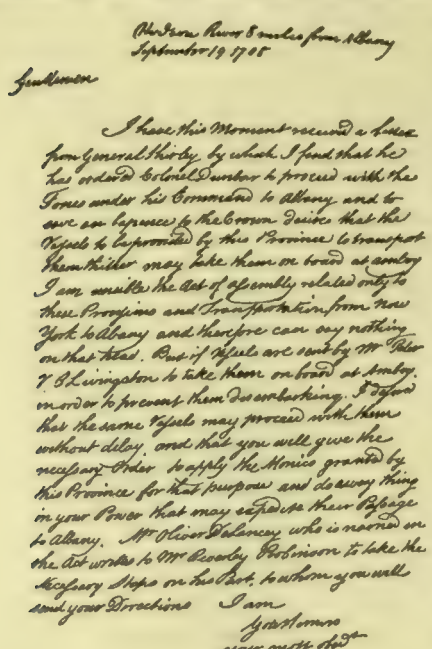
[1] Doc. rel. Col. Hist. N. Y., 6: 820, 821; 831, 832. [2] Ib., 6: 941. [3] Ib., 6: 960.

had been in America before, and had also borne a similar office there, having been appointed governor of Newfoundland in 1744. Embarking in the Sphynx early in July, the new governor of New-York arrived in the upper bay on September 2, 1755. The formal reception and his landing took place next day, but on that same evening the lieutenant-governor called on Sir Charles on board the ship. It was a great relief to the latter that so efficient and experienced a person remained near him in the government, for he felt himself entirely unfitted for many of the duties that belonged to his present station. The opponents of De Lancey called in question his right to return to the functions of chief justice, or, in case he reassumed them, to continue as lieutenant-governor. The case was even submitted to the attorney-general by the lords of trade.[1] But the decision was in favor of his continuance, and the governor practically upheld De Lancey in the exercise of the duties before that decision, because he felt his assistance indispensable to himself. A vivid account has been left us by the historian William Smith of a scene where he was himself present, his father taking part in the conversation, of which he "made a minute as being too characteristic of Sir Charles to be omitted" from his history. There was to be a trial before him as chancellor, and he was in despair how to proceed. He had asked the chief justice to come, but as the time for the hearing of the case drew near, and it grew past the hour set, that officer failed to appear. His Excellency then called the counsel of both sides into a private room, and asked them: "Does this matter turn upon a point of law?" He was assured it did. Thereupon he made this frank and sailor-like reply: "I have been justice of the peace in England, but know nothing of the law. My knowledge, gentlemen, relates to the sea: that is my sphere. If you want to know when the wind and tide suit for going down to Sandy Hook, I can tell you that. How can a captain of a ship know anything of your demurrers in law?" Here the chief justice came in, much to the relief of the governor. "The cause was afterward debated and a decree pronounced by De Lancey, who dictated the entry to the register," continues the historian; "the governor, who awkwardly sat by, interfered only to pronounce an amen."[2]

[1] Doc. rel. Col. Hist. N. Y., 6: 951.

[2] William Smith's "History of the Late Province of New York" (in 2 vols., New-York, 1830), 2: 274–276.

Meantime the French and Indian war was in progress, giving Governor Hardy much work of a nature more congenial to his training. Indeed at last he grew so tired of merely playing governor, while the sphere that he loved was affording such fine opportunities for the display of his aptitudes, that he begged to be relieved from the government of New-York and to be transferred to some post in the royal navy. In the year 1757 that request was granted, and on June 3 he placed the chief direction of affairs once more in the hands of Lieutenant-Governor De Lancey. Sir Charles Hardy was made rear-admiral of the white, took part in the taking of Louisburg in 1758, and, after attaining the rank of vice-admiral, on retiring from active service he was appointed governor of Greenwich Hospital in 1771, and died in 1780, at the age of seventy-five.



Albany River 8 miles from Albany
September 19 1755

Gentlemen

I have this Moment received a Letter from General Shirley by which I find that he has ordered Colonel Dunbar to proceed with the Forces under his Command to Albany and to give an Expresss of the Crown Desire that the Vessels to be provided by this Province to transport them thither may take them on board at Amboy. I am unable the Act of Assembly related only to these Provisions and Transportation from New York to Albany and therefore can say nothing on that head. But if Vessels are sent by Mr Peter V. B. Livingston to take them on board at Amboy, in order to prevent their Disembarking I desire that the same Vessels may proceed with them without delay, and that you will give the necessary Order to apply the Monies granted by this Province for that purpose and do every thing in your Power that may expedite their Passage to Albany. Mr Oliver Delancey who is nearer on the Spot writes to Mr Beverley Robinson to take the necessary Steps on his Part, to whom you will send your Directions I am

Gentlemen
your most obedt
humble Servant
Chas Hardy

The Gentlemen of the Mayor Judge
Council at New York

It may be readily appreciated from De Lancey's superior talents as well as experience, by the side of Hardy's cheerfully avowed incapacity, that the close friendship and entire harmony between governor and lieutenant-governor meant the ascendancy of the latter in the administration of affairs throughout the brief period of Sir Charles's presence in New-York. There was thus practically no change in the government when De Lancey again acted as chief magistrate. He retained this prominent position for exactly three years and two months, or until the day of his death, August 4, 1760. The opulent De Lanceys occupied many fine mansions in the city and vicinity. The founder of the family built that which later became Fraunces' Tavern, on the corner of Pearl and Broad streets. This passed into Oliver De Lancey's hands, being bought by Samuel Fraunces of the latter. Stephen De Lancey also built a large house on Broadway, just above Trinity Church, which later became the City Arms, and on the site of which stood till within the recollection of many now living the City Hotel. Here James De Lancey resided when in town; but about a "mile out of town," above Grand street on the Bowery Road, or between Grand and Rivington streets, at some distance from the road, whence a long lane of venerable trees led up to the house,

stood the lieutenant-governor's country-seat. It was here he died. He was a sufferer for many years from asthma. On the day previous to his decease he had had a conference with the governor of New Jersey on Staten Island. Crossing the broad bay in an open boat in the damp night air, and then riding out, probably on horseback, to his country-house, brought on a violent attack of his trouble, and on the morning of August 4, 1760, he was found dead in his chair in his library. He was but fifty-seven years of age, but his career had been a successful and brilliant one. He doubtless had his faults, but it is to be remembered that the historian William Smith, the ever exhaustless source for recent historians of the city, was a violent partizan against him, and therefore has doubtless taken care that his faults should not fail to appear for the edification of posterity.

The oldest member of the provincial council, first appointed in 1722, and whom for that reason Governor Clinton recommended as lieutenant-governor, was Dr. Cadwallader Colden. As president of the council he became ruler of the province on De Lancey's death. The son of a Scotch clergyman, born in 1688, he graduated from the University of Edinburgh in 1705, studied medicine in London, and came to America in 1710. In 1715 he returned to England, married, and settled in Philadelphia a few years later, practising his profession. In 1718 he came to New-York. His intellectual capacity and his scientific and literary attainments were great and various, one biographer saying of him that he was "known in the scientific and literary world as a physician, botanist, astronomer, and historian."[1] He was the first to suggest the formation of the American Philosophical Society. At the time he succeeded De Lancey he was already seventy-two years of age; and he was destined to occupy this exalted place with only brief intervals for fifteen years more, dying in 1776, at the age of eighty-eight. When De Lancey went over to the opposition Governor Clinton's main reliance was Dr. Colden. But even the latter became alienated by reason of his chief's unreasonable conduct in seeking to force the assembly into compliance with his demands. Yet he was not too cordial in his relations with the lieutenant-governor, who had in a measure usurped the place which by length of service belonged to himself. It came to him now as president of council, and thus he governed the province for one year, when a commission as lieutenant-governor reached him. But after three months arrived also the new governor, General Robert Monckton, and for a time Colden retired from the chief direction of affairs.

We have purposely hurried over these later events affecting the succession of chief magistrates of the province, because it is more than time to glance at the local incidents which distinguished their several

[1] "Documentary History of New-York," 3: 829; note by Dr. E. B. O'Callaghan.

administrations. Prominent among these was the founding of Columbia (then King's) college, and the erection of its first buildings. Almost in the midst of the consternation produced by Sir Danvers Osborn's death, during the autumn of 1753, matters had advanced so far in the history of the college that its first president, Dr. Samuel Johnson, rector of the Episcopal Church at Stratford, Connecticut, was called to assume the duties of that office. Before this the wardens and vestry of Trinity Church, under the inspiration of the Rev. Henry Barclay, the rector, had granted to the trustees of the college a large piece of ground, part of their "farm," for the purpose of putting up suitable buildings, situated, as a contemporary historian asserts, "in the suburbs of the capital."[1] Upon this ground the first college hall was erected, in the shape of a quadrangle, the longest side of which faced the river. It formed a prominent object in the view of the city from the opposite shores of New Jersey. The money for the institution was raised in the first place, according to the custom of the time, by lottery. The act authorizing this received Governor Clinton's approval on December 6 (St. Nicholas's Day), 1746, and the sum fixed upon was twenty-two hundred and fifty pounds (say $11,200).[2] But individual gifts of large sums were also contributed, both in England and in the province. Among the largest donors appears the name of Sir Charles Hardy. It was while he was governor that the condition of the finances and the prospects of attendance at the lectures seemed to warrant a beginning with building, and accordingly the corner-stone was laid by his Excellency himself in August, 1756. While the founding of such an institution augured well for the future of the city, insuring an increasing element in the population possessing the advantages of mental cultivation, it is unfortunate that it also became the occasion of initiating family feuds and fomenting religious or sectarian jealousies. As if the political arena had not sufficiently drawn lines of bitter hostility, two families not hitherto hostile on that ground, the De Lanceys and the Livingstons, divided upon questions connected with the terms of the charter. These seemed

COLUMBIA COLLEGE IN 1758.

[1] Smith's History of New-York, 2: 233. We can hardly reflect without a smile that these grounds were about identical with the blocks bounded now by Murray and Barclay streets, Church street, and College Place.

[2] Ib., 2 : 112.

inclined to give a preponderating influence in the management of the college to the Episcopal Church; the Livingstons were Presbyterian, and objected to the charter as it read. As De Lancey, although personally convinced of the propriety of the objection, had deemed it best to let the document pass the seals, the Livingstons conceived a bitter enmity against him and his adherents; and, the quarrel being on denominational grounds, the members of the other sects, whose numbers were preponderating both in the city and province, were encouraged in their rancor against the Church of England. These animosities would be too trivial to deserve mention here, were it not that the great struggle of the Revolution was approaching. All these minor and local incidents gave color to the larger strife to come, determined the taking of sides, aided to inflame hearts, and thus are lifted into some significance by the dignity of the nobler sequel.

From the first college in the city to its earliest library is a very natural transition; yet in this case again the merest outline is alone permitted, as the subject extends through several administrations as well as into the next century, and will receive special and exhaustive treatment in another volume. It must be observed, however, that during the period now under consideration the foundation of the Society Library was really laid, although the Corporation Library, absorbed by it later, had already come into existence. The aim and spirit of this undertaking, as conceived by the projectors, are excellently set forth by William Smith, the historian, and his words are especially of weight and interest as expressing the feeling of the need of such an institution by an educated and enlightened citizen living at the time and deploring the lack of its advantages in an opulent but all too commercial city. He says: "In the Month of March, 1754, nearly six hundred pounds were raised toward promoting a spirit of inquiry among the people, by a loan of the books to non-subscribers. The project was started at an evening convention of a few private friends." The names of that company are worth preserving: "Messrs. Philip Livingston, William Alexander [afterward known by the title of the Earl of Stirling], Robert R. Livingston, William Livingston, John Morin Scott, and one other person." It may be strongly suspected that this "one other person" was the historian himself, who thus modestly leaves his name unmentioned. For it is deserving of attention that, as the four Livingston brothers had been sent to Yale, where William Smith, Jr., also graduated, the pleasant circumstance reveals itself that three of these young college-bred men (and with Smith, four) were now in this practical manner giving proof of their zeal in the interest of education and popular enlightenment. As the historian further remarks: "A foundation was laid for an institution ornamental to the metropolis, and of utility to

the whole colony; for the remote object of the projectors was an incorporation by royal charter, and the erection of an edifice, at some future day, for a museum and observatory, as well as a library."[1] The charter was granted under Governor Tryon in 1772, and the history of the succession of its edifices, until the present one in University Place, must be reserved for a succeeding volume.

IRON CROWN FORMERLY ON COLUMBIA COLLEGE.[2]

The municipal government of New-York, during the period of this fivefold succession of incumbents of the provincial chief magistracy, was presided over by two gentlemen. One of these was Edward Holland, whose term as mayor extended from 1747 to 1756, when he died; the other was John Cruger, mayor from 1757 to 1765. Mr. Holland owed his appointment to a species of political persecution. He had been elected a member of the assembly to represent Schenectady, in 1745, which throws an incidental light upon the fact that the qualifications of members did not necessarily include residence within the district represented, for it is distinctly stated that he was a resident of New-York city. Under pretext that he was thus disqualified, however, but chiefly because he was known to be friendly to Governor Clinton, he was rejected by the assembly. Less than two years later the governor rewarded him by making him mayor of the city and a member of the royal council.[3] He must have been able to maintain a position of neutrality among the factions which then distracted city and province both, or else he would not have been continued in the office under De Lancey and Hardy. When he had been two years in office (1749) a census of the city was made, and it was found that (with the addition of the outlying districts, or county, coterminous in fact with the city as per charter) the number of inhabitants, white and black, reached 13,294 souls. In 1757 the familiar name of John Cruger figured once more in the records of the city as that of its highest officer, the same office having been occupied from 1739 to 1744 by the father of the mayor now appointed. For ten years the younger Cruger directed municipal affairs, and though by virtue of his position a member of the governor's council, in the trying times that then came upon the people he was ever found their champion as against the encroachments of the king and parliament.[4]

It may not seem worth while to turn aside from the course of events, in a period so stirring as that of the French and Indian war,

[1] Smith, New-York, 2: 207, 208.

[2] This interesting relic is now mounted and preserved in the library of the college. It surmounted the cupola of the original college building, an illustration of which is given on a previous

[3] Smith, New-York, 2: 92, 93.

[4] John Austin Stevens, "Colonial New-York: Biographical Sketches," pp. 6, 7. He was the first president of the Chamber of Commerce, 1768–1770, and died in 1791, aged 82.

to note the erection of a private dwelling. But the "Walton" house, celebrated by many historians of the city, merits that distinction. Its elegance, and the splendor of its hospitalities, even bore a part in determining parliament to inflict the stamp act upon the colonies, and thereby it assumes a national importance. In the middle of the eighteenth century William Walton had acquired great wealth in trade with the Spanish West Indies and South America. He enjoyed special privileges from the Spaniards, according to Lieutenant-Governor Clarke, who in 1738 informed the home authorities that Captain Walton was "the only person in this place whom the Spaniards permit to trade at Augustine, where he has a Factor who has resided there many years."[1] He was living then in a house located on Hanover Square.

THE WALTON HOUSE.

In 1754 he determined to build himself a home in a style and of a cost commensurate with his increasing fortune, and he selected for its site a locality "well out of town." It was where Queen street rose into a hill, whence the garden could slope down gracefully toward the East River bank, and whence a fine prospect might be gained from the rear windows over that river, across to the green hills of Long Island, and adown the bay over Governor's Island and as far as Staten Island. From the front windows it is more difficult to imagine what the view must have been. It may have embraced the depression where the waters of the placid Collect reflected the skies and the surrounding woods. Directly across from it the eye would light upon the King's Farm; and possibly the flat shores of Jersey or the bold cliffs of the Bergen Heights may have been included in the prospect. The house is no more, and were it still in existence how different the prospect! The building at 324 to 328 Pearl street, on Franklin Square, opposite Harper & Brothers' publishing-house, occupies the site. As late as 1867 an inscription still announced to the curious that this was "The Old Walton House." It was then

[1] Doc. rel. Col. Hist. N. Y., 6: 128.

utilized as a boarding-house or hotel for sailors. Another step back, and we find in 1832 that the noble mansion, after nearly eighty years, was still intact as to its interior arrangements. In the "New-York Mirror" of March 17 of that year, the following description occurs: "It is a brick edifice, fifty feet in front, and three stories high, built with Holland bricks relieved by brownstone water-tables, lentils, and jams, with walls as substantial as many modern churches. The superb staircase in its ample hall, with mahogany handrails and bannisters, by age as dark as ebony, would not disgrace a nobleman's palace."[1] Another writer of about that time, whose mother had seen it illuminated in celebration of the repeal of the stamp act, says of it: "It has even now an air of ancient stately grandeur. It has five windows in front; has a double pitched roof covered with tiles, and a double course of balustrades thereon. Formerly its garden extended down to the river."[2] Garden and house have both disappeared; there is not even that inscription, "coarsely painted in dingy white on its muddy red walls," to mark the spot where "the nonpareil of the city in 1762" had fallen from its greatness. It was torn down in 1881.

HALL IN THE WALTON HOUSE.

Three notable events in the history of transportation took place during the period covered by this chapter. Taking them in the order of the distances to which passengers were to be conveyed, the first to be mentioned is the ferry to Staten Island, established in 1755. The population of that island had risen to a considerable figure for those days (about 2300 souls), and it was necessary to accommodate the residents both of city and island, as in many ways their mutual dependence upon one another for the supplies of the necessaries or conveniences of life demanded regular means of intercourse. On a fair day, with a good breeze blowing, the trip was not a formidable one; but in calms or storms, in fog or rain, the length of the time consumed and the hardships to be endured made the journey quite a serious undertaking. Fortunately that same winter (of 1755) presented no obstacles to the passage of the boats to and fro, as it proved to be very mild, so that the Hudson was entirely free from ice. The next "event" was the establishment of a stage route to Philadelphia in 1756. It was

[1] John Austin Stevens, "Biographical Sketches," pp. 61, 62.
[2] "Historic Tales of Olden Time in New-York City," by John F. Watson (New-York, 1832), p. 192.

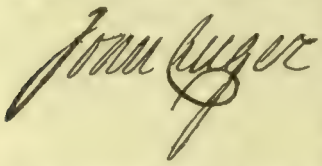
not the first, as Solomon and James Moore had begun to carry passengers between Burlington on the Delaware and Amboy, opposite Staten Island, in 1733–34, performing the task only once a week. The feature of the present enterprise was its unparalleled celerity. "Three days through only!" was its proud announcement. It is a slow train to-day that does not convey us to Philadelphia in less than that number of hours. In this same year (1756) the first British packet-boat began its voyages from New-York to Falmouth, England. It carried the mails, and the charge for each letter was four pennyweights in silver.[1]

George Berkeley

While De Lancey, Hardy, again De Lancey, and finally Colden, ruled the province between the years 1753 and 1761, the cloud of war was not only hanging over the country, but burst in storms of considerable violence upon certain parts of it. New-York province and New-York city, from their central position, necessarily played an important part in the French and Indian war; and hence there arises the necessity of obtaining a clear view of the circumstances attending its conduct, though mainly from the standpoint of the city's interest and participation therein. The peace of Aix-la-Chapelle, putting an end in 1748 to the general European war known as that of the "Austrian Succession," was still in force in Europe, so far as the surface of things went, when it had already been infringed for a year or two in America. In 1756 Frederick the Great of Prussia could restrain his ambition no longer, and precipitated the "Seven Years' War." But in 1754, or even earlier, the movements of the French in America had become so distinctly hostile in intent, if not in open action, that a general alarm spread throughout the English colonies, and emphasized the necessity of concerted action on the part of all. From the mouth of the Mississippi along the Ohio to the mouth of the St. Lawrence, it was the plan of the French to establish a chain of forts, to hem in the English upon the sea-border. It might thereafter be only a question of time to drive them off this territory also. The scheme was a magnificent one, and cannot but compel admiration. It was near enough

[1] "Old New-York," April, 1890, pp. 179, 180. In 1766 the journey to Philadelphia was reduced to two days (Ib., p. 181).

realization, too, to merit more than admiration in those days, and to lift it above a mere visionary dream. But often do our enemies teach us our best lessons; and the French chain of forts led to the eventual confederation of American States. In 1754 delegates from all the colonies met in Albany, New-York. The congress met mainly to conclude an alliance with the Six Nations against the French. It assembled in the court-house on Wednesday, June 19, 1754; Lieutenant-Governor De Lancey of New-York presided. There were twenty-three delegates: New-York being represented by four; New Hampshire by four; Massachusetts by four; Connecticut by three; Rhode Island by two; Maryland by two; and Pennsylvania by four, one of whom was Benjamin Franklin.[1] Conferences were duly held with the Indians, and the usual flowery speeches exchanged; but at the session of Monday afternoon, June 24, "a motion was made, that the Commissioners deliver their opinion whether a Union of all the Colonies is not at present absolutely necessary for their security and defence."[2]



The motion being put, it was carried unanimously, Franklin was made chairman of the committee to draft a plan, and on July 10 the plan he proposed was adopted, and ordered to be laid before the several colonial governments represented at the congress, as also before those not represented. It provided for a president-general, appointed by the crown, assisted by a grand council composed of forty-eight representatives chosen by the several provincial assemblies; none of the colonies to have less than two, but otherwise in proportion to their population, so that Massachusetts and Virginia were each to have seven, the highest number.[3] Strange to say, this "Plan of Union," the forerunner of that confederation and federation which Franklin contributed so much to effect later, was equally distasteful to the colonies and to England. The latter apprehended too great power in the provinces; the provinces were jealous of the too greatly centralized power it would give the crown. But such a seed could not fail of fruitage, for it was laid within exactly the right kind of soil.

Though political consolidation was not yet to be for many a year, and then only at the expense of British dominion, the idea of military combination was put into practical shape by the British ministry in 1756, when the Earl of Loudoun was made commander-in-chief of the army throughout British North America. His chief recommendation for the post must have been, as it almost always was in the case of the colonial governors, eminent and signal unfitness for the position. He was, says Bancroft, "utterly wanting in the qualities of a military

[1] Doc. rel. Col. Hist. N. Y., 6: 853. [2] Ib., 6: 859.
[3] Ib., 6: 889; Bancroft, "Hist. United States," (ed. 1883) 2: 387.

officer, or of a statesman, or of a man in any sort of business." But the secret of the blunder made in the appointment lay in the fact that he was "a friend of Halifax, passionately zealous for the subordination and inferiority of the colonies." This might have been a fine state of mind for a man sent to fight the colonists already in rebellion. But the effect of this temper in dealing with the people he came to defend was to hasten on their insubordination, and thereby to raise them from a state of inferiority to one of national independence and equality. His presence in New-York city was attended by nothing but friction, by insult and tyranny on his part, by resistance and defiance on the part of both people and magistrates. Some of the chief events of the war had already taken place before the commander-in-chief appeared upon the scene. In 1755 four campaigns had been planned by General Braddock, a narrow-minded, opinionated soldier, but then, at least, a soldier and a brave one, and not a mere puppet or figurehead like Loudoun. Braddock's expedition against Fort Duquesne ended in disastrous failure and his own death. The second expedition depended upon coöperation with the first, as Governor Shirley of Massachusetts was to effect a junction with General Braddock after the reduction of Fort Duquesne, in order to proceed with combined forces against Fort Niagara. The third expedition was placed in charge of Colonel William Johnson, the famous Indian agent, and was to be directed against Crown Point. This alone was followed by the discomfiture of the French. It brings the blush of shame upon the cheek of one who feels for the honor of Englishmen that a fourth exploit planned for 1755 was also successful. We need only mention that it was directed against the harmless and unresisting families of French farmers living in Acadia. That this outrage, which words fail to denounce as it deserves, has given us "Evangeline" is the single good that has come to the English name out of this disgraceful evil, only less infamous than the massacre of Glencoe.

THE EAST RIVER SHORE IN 1761.

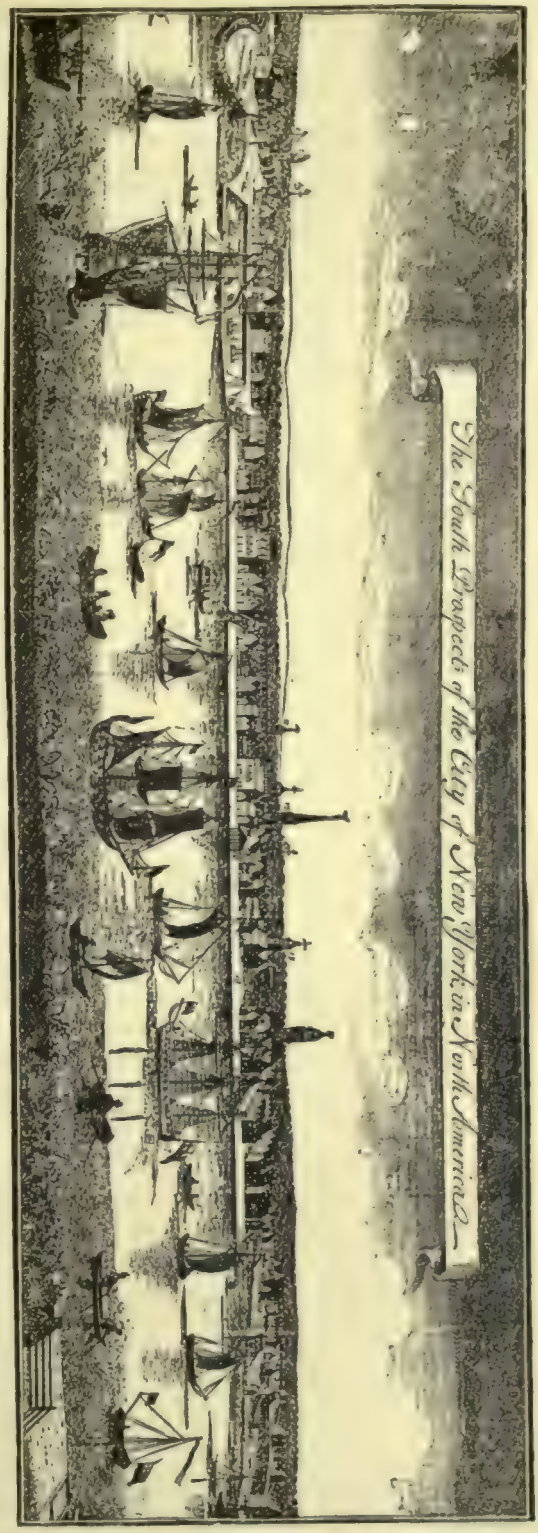
In these times of war on its western and northern frontiers, New-York city was the scene of much bustle and excitement. As early as 1755, after Braddock's defeat, De Lancey urged upon the British ministry the advantages which New-York city possessed for establishing there "a general Magazine of Arms and Military Stores," for the sup-

ply of the various armies operating in different parts of the country. The lords of trade entirely agreed with him in this opinion. They therefore proposed that whatever the king should "think proper to order to be sent to North America (except such as are ordered for particular services) should be lodged in a storehouse at New-York, under the care of a Storekeeper to be appointed by His Majesty for that purpose, subject to the Controul and direction of the person who shall be appointed to the command of His Majᵗʸˢ forces there, and of the Govʳ or Commander in Chief of New-York."[1] This, of course, meant business for New-York's citizens, a stimulus to trade in arms as well as in farm-products, an increase of profits for her merchants; but the arrival of troops was neither so pleasant nor so advantageous to her citizens. In June, 1756, Sir Charles Hardy first announced that the Earl of Loudoun was coming to assume command of the army; but actual contact was not had with this brilliant individual until after Oswego had been disgracefully lost to the French. A thousand soldiers of the regular army were then sent down to New-York for winter quarters. The old barracks in the fort were fitted up after a fashion for their reception, but there was no room for the officers. The law, while requiring troops to be cared for, contemplated payment for the quartering; but Loudoun treated the provincials much as he would an enemy, and insisted, with profane threats and bluster, upon free quarters. Mayor Cruger firmly resisted the outrage, and, when the arrogant commander could not be brought to reason, led in a subscription among the wealthy inhabitants to pay for the lodgings of the officers in the houses of those who could not entertain them without charge.[2] Meantime efforts had been going on to put the city in a good state of defense, and on October 27, 1756, Sir Charles Hardy was enabled to write: "Fort George has gone through great repairs, and is now completed; two sides and three bastions command the rivers leading to the city, and should properly have heavy cannon mounted for the defence of the harbour. Heavy cannon should be mounted in the Narrows, and upon Nutten Island, a ground, if the enemy should attempt this country with a fleet, they will make themselves masters of, and from whence they can easily bombard this city."[3]

NORTH RIVER SHORE, TOWARDS LISPENARD'S, 1761.

[1] Doc. rel. Col. Hist. N. Y., 6:1016. [2] Smith's Hist. N. Y., 2:292, 294; Stevens, Biog. Sketches, p. 7.
[3] Doc. rel. Col. Hist. N. Y., 7:164.

Yet while the war-cloud hung over the land, the presence of a body of troops in the city every winter led naturally to gaiety and social activity. The earliest dramatic entertainments in the little town were given by officers of the army, who greatly impressed some of the fair and youthful denizens with their histrionic powers, although the more sober elements were disgusted with the folly of their antics. An ancient deed, dated about 1754, of a lot at 144 Fulton street, mentions that it was situated "in the rear of the theatre-lot." This, therefore, must have been the site of the first theater; it stood midway between the present Fulton and John streets, with its entrance corresponding with No. 17 in the latter. In January, 1760, permission was given by De Lancey to build another theater in Chapel street, near Beekman. In the following November it was opened, the tragedy of the "Fair Penitent" being performed. The next night was given the "Provoked Husband," which one cannot help hop-



The view given in the text, called a "South Prospect," etc., is reduced from a copper-plate engraving published in the "London Magazine" of August, 1761. Although some differences appear, it is evident that it is based on the view found on page 270, which was printed in Governor Clinton's time.

Sir

I hope my last of the 13: of May got well to Your Honours hands, altho' your more important Affairs may have crouded the receipt of it out of your Thoughts——

But a Satisfatory answer thereto, might have prevented a fresh trouble of new Applications in the difficult Affair on which I have wrote Your Honour more than once—as I do now.....

again upon a late Representation to me, from the Council of Proprietors of East New Jersey, & which I refer'd to the Consideration of His Majesty's Council of this Province, & they have Reported to me thereupon, & I say upon the whole, if the Government of New York will not fall into mild & peasable measures, I mean into a temporary Line or nolli prosequis, I must in Duty to His Majesty, & in a just & tender Regard to the People under my Care, do all in my Power for Supporting His Majesty's Honour & Interest, & the happiness & Tranquility of the People of New Jersey; & if finally this Affair should be attended with fatal Consequenses, our Superiors will judge who have been culpable or contributed thereunto, I wish you Health & Happiness. & am

Sir,

Your Honour's
Most obedient. &
Most humble Serv:

Elizabeth Town (N J)
August 27: 1754

J Belcher

This fac-simile of a letter written by Jonathan Belcher, Governor of New Jersey, was addressed to Lieutenant-Governor De Lancey of New-York. It is concerning the troubles on the northern boundary of New Jersey with New-York, and intimates the possibility of war between the two provinces.

ing may have been a farce or a comedy, to relieve the gloom of the tragedy. The prices charged are fortunately on record: "Boxes, 8*s*.; pit, 5*s*.; and gallery, 3*s*."[1] There seems not to have been made any political "capital" out of this act of De Lancey's. President Colden's experience was very different. A similar license on his part was discussed in the assembly and disapproved; the mayor of the city urged the passage of a law forbidding theatrical performances, and popular sentiment in the future metropolis was so much averse to this form of amusement that in 1766 the theater in Beekman street was destroyed by a mob. How primitive society in New-York still remained, in spite of the sojourn there of generals in the army and inferior officers, many of whom belonged to the noblest English families, is shown by the fact that in 1757 the wife of General Gates "was generally reported as riding abroad in men's clothes, solely from the circumstance of her wearing a riding habit after the manner of English ladies. . . . The manners of the times did not admit of such female display."[2] Yet the accumulation of wealth, with its attendant comforts and luxuries of living, created a certain polish. This and the elegance of the interior appointments in the homes of the rich made the representatives or scions of English aristocracy glad to appear in them, and this necessarily produced an effect for the better upon New-York society as regarded the amenities of social intercourse, at least, placing the capital easily in the lead for social advantages in the estimation of the rest of the province. This interesting fact is clearly brought out by a lady who spent many years in colonial New-York and who was a close observer of the manners of those times. "At New-York," she remarks, "there was always a governor, a few troops, and a kind of a little court kept; there too was a mixed and, in some degree, polished society. . . . It was the custom of the inhabitants of the upper settlements, who had any pretentions to superior culture or polish, to go once a year to New-York. . . . Here too they sent their children occasionally to reside with their relations, and to learn the more polished manners and language of the capital."[3]

1 Old New-York, April, 1890, p. 180.
2 Watson's Olden Time, p. 158.
3 "Memoirs of an American Lady," by Mrs. Anne Grant; with a Memoir of Mrs. Grant, by James Grant Wilson (Albany, New-York, 1876), p. 47.

NEW-YORK IN 1756.

The original of the subjoined letter was written by an officer of the British navy, while his ship was anchored in New-York Bay. It was purchased at the sale of the library of Henry Thomas Buckle, the historian, and is now in the possession of a gentleman of Washington, D. C.

NEW-YORK, August 15, 1756.

I never was so much surprised as in finding this part of the world superior to England — the air is serene and the land fertile; peaches, nectarines, apples and all other fruits peculiar to the soil of Europe grow wild in the woods and only feed the particular beasts which inhabit them; I cannot say the taste is quite so exquisite and delicious, which I suppose may be owing to the want of grafting and transplanting — but the appearance looks so much like the golden age, and the first state of nature, that I could almost determine to spend the remainder of my life here. The river leading to the city of New-York runs a considerable way into the country, but has a bar at the mouth, which prevents the entrance of very large ships; the lands are cultivated as far as the eye can range, and the cottages inhabited by a variety of people from Germany, Holland, etc.

New-York is an island, situated about 30 miles up Hudson's River, bounded by Long Island on the east, and Staten Island on the south. The nobleness of the town surprised me more than the fertile appearance of the country. I had no idea of finding a place in America, consisting of near 2,000 houses, elegantly built of brick, raised on an eminence and the streets paved and spacious, furnished with commodious keys and warehouses and employing some hundreds of vessels in its foreign trade and fisheries — but such is this city that a very few in England can rival it in its show, gentility and hospitality. It is a royal government, and the officers appointed by the Crown. There are very few Indians on this island, being all either cut off by intestine wars or diseases; the laborious people in general are *Guinea* negroes, who lie under particular restraints from the attempts they have made to massacre the inhabitants for their liberty, which is ever desired by those (you find) who never knew the enjoyment of it.

I cannot quit this colony without taking notice of a very particular cataract, which forms a prodigious arch, and (according to the eye) may fall about one hundred and fifty feet; but what is more extraordinary, the mist, which is occasioned by the fall on a sunny day, forms a most delightful rainbow, and may be seen twelve miles off. There are romantic stories told of this cataract, but I am resolved to relate no more than I have seen. The Iroquois often appear here on business, and their appearance is more savage than I can describe. I cannot help telling you the ceremony of burying their dead; all the relations paint their faces black, and twice a day make a most wretched lamentation over the grave; the time of the mourning consists with the continuation of the black face, which is never washed, out of respect for the dead. The corpse is placed upright on a set,— and his gun, bow, arrows and money, buried with him, to furnish him with shooting implements in the next world, where they believe is more game than in *America* — and that the delightful country lies *westward*. They have priests among them, called Pawaws, who, if it possible, make these wretches more ignorant than nature intended them to be.

My stay, tho' very short here, has been attended with a most disagreeable circumstance. When about three leagues from the ship, the boat's crew (consisting of ten men) rose on me, bound me hand and foot and run the boat on shore, where I might have perished had not two returned and unbound me, which two I brought to the ship again. They confessed that they had attempted to throw me overboard (which I never perceived), but something always prevented. Had they perpetrated their villainy, I should have died by the mouths of some thousands of sharks — as I was at that time fishing on a bank where nothing could be more numerous. This is so striking an act

of Providence, that had it happened to an atheistical person, it might have been the happy means of converting him. From hence we are bound to the West Indies, which is a secret which never transpired till the day of our departure. I am a little chagrined at the circumstance, not being provided for so long a voyage.

I am, &c.,

To H. M., Esq. EDWARD THOMPSON.

P. S. We have one hundred and fifty people ill in fluxes, scurvies and fevers.

ADDRESS OF THE CORPORATION TO MAJOR-GENERAL AMHERST, WEDNESDAY, NOVEMBER 26, 1760.

To his Excellency Jeffery Amherst, Esq.; Major General and Commander in Chief of all his Majesty's Forces in North America, &c., &c.

The Cordial Address of the Mayor, Aldermen, and Commonalty of the ancient City of New-York, in Common Council convened.

May it please your Excellency,

To the united suffrages of the british world in favour of your Excellency's distinguished merit, the mayor, aldermen and commonalty of the city of New-York, beg leave to add their most grateful tribute of thanks, for the invaluable services wrought by your superior wisdom and valour, in annexing the extensive country of Canada, to his majesty's dominions in America; an acquisition so inestimable in itself, so pregnant with the most important consequences, cannot fail to shine with a supreme lustre, amid the most luminous events, and give to its author a rank exalted in the train of British worthies. Minutely to describe the innumerable advantages resulting from so signal a conquest, would be a vain attempt. Let millions yet unborn, mark the distinguished blessings as they rise; and while they reap the happy fruits of your martial virtues, they will not cease to bless the name of Amherst.

Yet, that we ourselves may not seem insensible of our happiness, permit us, Sir, to turn our eyes to the wide-extended frontiers of our many fair colonies over which his sacred Majesty has so long swayed his gracious sceptre. . . . How strangely altered is the amazing scene! . . . There the savage native, and more savage Canadian, was lately wont to seize the defenceless and inoffending peasant, doomed, with his tender wife and helpless children, to the most excruciating deaths, or a more dreadful captivity. Hence, an universal horror seized the borderers. To this succeeded a general dereliction, and the numerous settlements, abandoned to the relentless fury of an insatiable foe, were soon reduced to dismal and undistinguished ruin. Husbandry felt the fatal effects of such a waste of country, and this city, famous for its commerce, beheld and wept the diminution of its staple. Thus, besides the keenest sympathy for our fellow-subjects, we have acted our own sad parts in the affecting tragedy.

But Canada is no more. The peasant may return in security to his fields; husbandry will soon revive; the face of nature smile with the blessings of peace; & this flourishing city in the plenty of its markets. This surprizing change we attribute, with the most humble gratitude, to the paternal care of our most gracious sovereign, in appointing your Excellency to conduct his victorious armies in America.

Our restless enemies possessed of the two great rivers of St. Lawrence and Mississippi, long since formed the horrid scheme of circumventing us with a chain of fortresses. This with unwearied industry they at length atchieved; and by this gained the dominion of the lakes, and their connecting streams. The passes thus secured, as well into Canada, as our own country, necessarily procured them the assistance of

numerous tribes of Indians, and not to say worse, shook the fidelity of the few who had so long valued themselves on our protection. Nothing then seemed wanting, but a little patience, till they had introduced a sufficient number of regulars from France. But in this they failed. Their sanguine expectations broke down the restraints of policy, and they began to execute the deep laid purpose before they had strength sufficient to ensure success. And yet, thus advantageously situated, they compelled us, in a defensive war, to toil thro' several campaigns, most of which ended in the Loss of some sort or tract of country. So true it is, that the inferiority of their numbers was in a great measure compensated for, by the possession of those important posts; which, had they not been wrested from them by your unexampled conduct, seconded by the matchless heroism of the much lamented Wolf, and the vigorous efforts of his brave successors in command, would, in the hands of so vigilant, designing and indefatigabel an enemy, most probably have ended in the reduction of the whole British North America. This, Sir, is a hasty portraiture of the mighty evils, from which, by your triumphs, we have been delivered; evils to which we shall never again be exposed, unless our late restless neighbours should, by a restitution, be enabled to renew the execrable attempt.

Yet what will more effectually perpetuate your name, Sir, with universal applause, to the latest posterity, are those innumerable benefits arising from an exclusive possession of this vast continent. These benefits, the purchase of your labours, will unfold themselves in every revolving year till Great Britain shall become the imperial mistress of nations. Indeed, to view her in her present glorious state must swell the breast of her every worthy son. Her royal fleets seem already to give law to her neighbours. As often as they spread their canvas, even the insulting Gaul beholds with trembling expectation; while, to her victorious armies, it is the same thing to march, and to conquer. But the vast variety of soils and climates in America, capable of producing every necessary and conveniency of life joined to the fishery on its coast, must infallibly prove to our mother country, an inexhaustible source of wealth; thus enabling her, as well by the power of her arms, as by withholding or bestowing the blessings both of art and nature, to humble the united arrogance of the most presumptuous opposers; and support the tottering fortunes of dependent states. Such, Sir, will be the wonderful effect of the conquest gained by those armies which you have commanded with so much honour to yourself, and the nation; a conquest too immensely valuable ever to be ceded to an enemy whose principal characteristic is, A perfidious abuse of favours.

But, Sir, while so remarkable an event will never fail to furnish the most ample testimonials of your military accomplishments, the ingenious mind must at the same time receive peculiar satisfaction, from the contemplation of another part of your uncommon character. We mean your humane and generous use of victory. The picture of a conqueror, drawn from the greatest examples, recorded in the faithful pages of history, tho it strikes the soul with a mixture of admiration and terror, is seldom expressive of the benevolent affections of the heart, even when the conquered are rather objects of commisseration than revenge; hence it is that your compassionate treatment of the vanquished Canadians must appear most singularly amiable, to require of a disarmed, yet implacable foe, whose inhumanities have deserved the severest strokes of vindictive justice, nothing more than a quiet submission to the gentle dictates of British rule, is indeed a disinterested virtue; and must convince the attentive world that Britons never conquer to enslave.

To conclude; Sir, that the God of armies may continue to furnish your head with wisdom, your breast with fortitude, and your arm with strength; that he may cover you with a shield, and make you terrible to your enemies in the day of battle; that you may long live to enjoy the gracious smiles of your royal master, the grateful acclamations of the British nation, and the peaceful eulogiums of an approving conscience;

that your name may be remembered with thankfulness by the latest posterity; and that your unwearied labours for the publick welfare, may meet with their due rewards here; and an unfading crown of glory hereafter, are the earnest wishes and desires of,

Your Excellency's

Most Obedient humble Servants,

The Mayor, Aldermen and Commonalty Of The City New-York.

HIS EXCELLENCY'S REPLY.

To the Mayor, Aldermen and Commonalty of the antient City of New-York.

GENTLEMEN,

I Return you my most sincere thanks for the address you have been pleased to make me.

It gives me very particular pleasure that the success of his Majesty's arms in the reduction of Canada, has contributed so much to the happiness of the people on this continent, and it is my most hearty wish, that this City may reap all the advantages it can desire from this conquest and that it may prosper and flourish to the latest time.

I am, Gentlemen, Your most Obedient Humble Servant, JEFFERY AMHERST.

The Corporation at the same time presented the General with the Freedom of the City in a Gold Box.

A COPY OF THE POLL LIST. ELECTION FOR ASSEMBLY, FEBRUARY, 1761.

The candidates were:

WILLIAM BAYARD, JOHN CRUGER, JAMES DE LANCEY, PHILIP LIVINGSTON, LEONARD LISPENARD, JOHN MORIN SCOTT.

ELECTORS.

A

Alliner, Abraham
Aelstyn, John
Aimy, George
Anderson, Joseph
Anderson, Edward
Akerman, Abraham
Armstrong, John
Anderson, Peter
Anderson, George
Amerman, John
Anthony, Albert
Anthony, Nicholas, Jr.
Anthony, Nicholas, Sr.
Acker, William
Allen, Jacob
Anderson, John
Aljio, Albert
Anderson, Jacob
Anderson, Nicholas
Arden, Jacob
Ackley, Anthony
Alliner, John
Algio, David
Abeel, David
Abeel, John
Anderson, Abraham
Abrahams, John
Anderson, John
Allen, Benjamin
Auch, George
Anderson, Elias
Atkins, Robert
Anderson, John
Apple, John
Abrahams, Andrew
Arison, Benjamin
Adolphus, Isaac
Amerman, Dirck
Anthony, John
Attinger, Casper
Anderson, William
Anderson, Joseph, Jr.
Ash, Gilbert
Ackley, John
Arden, John
Arden, Thomas
Abrahams, Abraham, Jr.
Abrahams, Abraham, Sr.
Anthony, Theophilus
Abraham, Abrahams
Alsop, John
Able, John
Annely, Edward
Alstyne, Harmanus
Alexander, Robert
Amaur, James
Amaur, John
Amaur, Daniel

B

Blanck, Jeremiah
Blanck, Isaac.
Burnet, George
Bussing, Peter
Butler, Michael

Ball, Isaac
Bown, John
Brower, Peter
Borwel, Bartholomew
Bennet, Isaac
Benson, Samuel
Burge, Richard
Brown, James
Brown, Duncan
Bicker, Victore
Brower, Charles
Burns, George
Breese, Sidney
Beech, Alexander
Bussing, James
Brett, John
Barnes, Isaac
Bogart, John, Jr.
Bogart, John, Sr.
Bresteed, Andrew, Jr.
Beyo, Rene
Brewerton, George
Bown, Samuel
Bogart, Peter
Brockhown, Thomas
Brevoort, Alexander
Bussing, Hermanus
Banker, William
Bell, Samuel
Benson, Henry
Brinkerhoff, Joris
Bertchell, Henry
Brewer, John
Brewer, David
Brewer, Nicholas
Brewer, Everardus
Bidder, Richard
Brown, William
Beekman, Gerardus W.
Brown, Thomas
Burger, Casper
Bonett, Daniel, Jr.
Byvanck, Evert
Byshop, John
Bonticoe, Daniel
Burger, Nicholas
Burger, Lancaster
Brewer, Cornelius
Buskirk, David
Blawveldt, Isaac
Blake, Jonathan
Berian, Joseph
Benson, Adolph
Bennet, John
Bennet, William
Brown, John
Blag, Benjamin
Bell, John
Blundell, Christopher
Burger, Peter
Bown, Samuel
Bernard, Daniel
Burling, John
Bowne, George
Banter, Paul
Burling, Edward
Brasier, John
Brower, John
Butler, William
Bogart, Cornelius

Brinkerhoff, Dirck
Bradt, Isaac
Beekman, William
Bice, Matthew
Brower, Isaac
Brower, Hendrick
Bayles, Samuel
Bridge, Samuel
Bussing, Aaron
Bogart, Jacobus
Bogart, Nicholas
Brasier, Isaac
Bante, Wiert
Bush, Isaac
Bogart, Guillian
Blank, Isaac
Bante, Jacob
Blank, Abraham
Bogart, Henry
Brower, Samuel
Bante, Dirck
Brunton, Thomas
Berry, Samuel
Banker, Adrian
Banker, Evert
Banker, Chr., Jr.
Bogart, Nicholas
Brown, Samuel
Bailey, Elias
Brower, John
Burger, Daniel
Baldwin, Stephen
Brower, Abraham
Busch, States
Blank, John
Brookman, Thomas
Bockey, William
Byvanck, John
Brass, Adolph
Brown, William
Brestead, Andrew
Brown, Thomas
Brevoort, John
Beekman, William, Jr.
Beekman, Abraham
Beekman, James
Beek, William
Brasier, Henry
Bodine, Vincent
Belsen, Cornelius
Brower, Alrick
Brownjohn, William
Beekman, Henry
Baldwin, Joseph
Brower, Peter
Brasier, Abraham
Bennet, Jacob
Berrien, Nicholas
Bogart, John
Brower, Jeremiah
Bordwine, Jeremiah
Bockhout, Peter
Babington, Samuel
Bailey, Isaac
Bussing, Timothy
Bender, Matthew
Byvank, Anthony
Bont, Jacob
Barr, Henry
Bogart, Henry

Belknap, Samuel
Bayard, Samuel
Bayard, John
Burger, John
Brown, Samuel (butcher)
Bevelot, James
Brower, Jacob
Baldwin, William
Bayley, Josiah
Byvank, Peter
Bogart, James
Bedford, Thomas
Blanko, Francis
Berry, Charles
Bussing, Abraham
Berrie, Francis
Burrows, Lawrence
Beekman, Charles, Jr.
Bonet, Daniel
Brestead, Simon
Bingham, John
Bogart, Adrian
Brass, Henry
Brower, Everardus, Jr.
Biglow, John
Boss, John, Jr.
Blackwell, Jacob
Burnes, James
Burtus, Arthur
Brevoort, Henry
Beekman, William, Sr.
Banker, Abraham
Bussing, Aaron
Barclay, Andrew
Bayard, Nicholas, Jr.
Bayard, Samuel (V. M.)
Bogart, Martin
Bayard, Nicholas, Sr.
Beekman, Charles, Sr.

C

Cruger, Henry
Casting, Gideon
Cowenhoven, John
Collard, Michael
Collard, James
Cobb, William
Crosby, Samuel
Cannon, Arnold
Cowley, William
Clowser, Jacob
Carter, Daniel
Cook, Richard
Coon, David
Carter, Samuel
Canby, James
Cornelison, Michael
Clopper, Peter
Courty, Harmanus
Campbell, John
Clarke, Thomas
Creyman, Charles
Clapham, George
Cree, John
Clarkson, Matthew
Carman, David
Carolus, William
Cornel, Peter
Creighton, James
Cochran, Philip

Carrel, James
Crane, Josiah
Clopper, John
Clopper, Henry
Coe, John
Cargil, James
Caffy, Richard
Cromwel, Patrick
Cook, Abraham
Cowenhoven, Benjamin
Clark, John
Cannon, John
Cuyler, Henry
Cuyler, Henry, Jr.
Corby, John
Cole, John
Cosyn, Cornelius, Sr.
Cowenhoven, Edward
Calloe, Stephen
Cosyne, Garret
Carmer, Henry
Crisp, John
Cockroft, William
Collar, Edward
Cook, William
Concklin, Milenus
Chandler, George
Carlile, William
Cadugen, Martin
Crosfield, Stephen
Cursivius, William
Costin, Isaac
Cowenhoven, Peter
Clark, Hugh
Commena, Egbert
Cheeseman, Thomas
Cosyn, Cornelius, Jr.
Cosyn, Gerrit
Cure, John
Cowdry, Samuel
Clarke, William
Campbell, Archibald
Crew, John
Carter, James
Cortenius, Peter
Cooly, Francis
Cobhem, William
Cole, Nathaniel
Corney, Richard
Chatterton, Shadrich
Chevelear, John
Clarkson, David
Cremshier, Denis
Cosyn, John
Coxeter, Bartholomew
Cromlin, Robert
Clements, Moses
Cook, James George
Cosyn, Balem Johnson

D

Dykman, Cornelius
Delancey, Peter
Dykman, William
Davison, Alexander
Dykman, John
Day, Isaac
Dykman, Jacob, Jr.
Disch, John Baltus
Duryee, Johanis
Drake, Jasper
Dillingham, Silvanus
Deforrest, Abraham
Devore, David
Dehart, Mauritz
Demaree, David
Demaree, Jacob
Delamatre, Isaac
Depeyster, William
David, John
Dudley, Francis
Duryee, Abraham
Dinon, Robert
Davenpoort, John
Duryee, Jacob
Degroot, John
Degroot, Samuel
Duryee, John
Dod, Thomas
Devoe, John
Dubois, Walter
Deforrest, Gerardus
Dollerson, Peter
Duyckinck, Gerardus
Devoe, John
Devoe, Teunis
Duryee, Dirck
Darien, Richard
Dods, Samuel
Dobson, Thomas
Doran, Peter
Devoe, Jacobus
Degruche, Elias
Dawson, Roper
Dally, John
Devoe, John
Doughty, Jabez
Darlington, William
Duffee, Duncan
Dunscomb, Samuel
Delamater, Isaac
Delamater, Samuel
Dun, Cary
Davis, James
Dunscomb, Daniel
Dykman, John
Dykman, Jacob
DeWit, John
Doughty, Thomas
Dwight, Stephen
Dominick, Francis
Dean, Joseph
Degraw, Garret
Dobbins, Anthony
Demilt, Isaac
Dubois, Elias
Drake, Samuel
Desbrosses, James
Depeyster, John
Durham, John
Dunlap, Archibald
Dye, Dirck
Devoe, Daniel
Dally, John, Jr.
Duffoy, James
Dean, William
Dies, John
Divan, John
Degraw, Walter
Delamater, Isaac
Degraw, Garret
Duncan, George
Degrote, Cornelius
Dinon, David
Dally, John (carman)
Devoe, Joseph
Delanoy, John
Demaree, Christian
Dyer, John
Dennison, James
Deacon, James
Derham, Henry
Delaplain, Joshua
Dobson, Peter
Dunscomb, John
Dodge, Daniel
Delamater, John
Dowers, John
Duane, James
Dunlap, John
Dobbs, Adam
Drake, Jacob
Devoe, Abraham
Delamater, John

E

Earl, Edward
Ellis, John
Evets, Richard
Eddy, Joseph
Emmet, John
Ernest, Matthew
Earl, Morris
Elberson, Abraham
Elsworth, Theophilus
Ennis, Peter
Eight, Abraham
Ellison, John
Eagles, William
Elsworth, John
Elsworth, George
Elberson, William
Emmet, Abraham
Elsworth, William
Enin, John
English, William
Evets, John
Earl, John
Earl, Duke
Ellis, William
Ellis, Samuel
Edmonds, Samuel
Elsworth, Ahasuerus
Emans, Lawrence
Evets, Daniel
Ennis, John
Ellis, Elias
Edwards, Henry
Eldridge, ——

F

Fritz, Elias
Flanigan, Richard
Finly, Anthony
Forrester, Andrew
Furnea, Nicholas
Fair, Abraham
Forbes, Gilbert
Fell, Christopher
Freeman, James

Franklin, Thomas
Field, Jeremiah
France, Stophel
Fortune, Joseph
Franklin, Thomas, Jr.
Felton, Philip
Futer, Daniel
Filkin, Francis
Fine, Frederick
Franks, Moses Benjamin
Forister, Samuel
Fairly, David
Fee, Nicholas
Franklin, Walter
Franklin, John
Foy, John
Fish, Nathan
Forbes, Joseph
Forrest, John
Fletcher, Nicholas
Fisher, John
Forbes, Alexander
Farmer, Samuel
Filthiesen, John
Folk, William
Fredrick, Andrew
French, Joseph
Fell, John

G

Gouverneur, Nicholas
Giles, Gilbert
Gibbens, Patrick
Gordon, James
Gardner, Charles
Gotier, Andrew
Griffith, John
Graham, Peter
Gardineer, Jacob
Gilbert, William
Gilbert, William, Jr.
Gilbert, John
Gilbert, Aaron
Gardineer, Harmanus
Goelet, Peter
Grishold, Joseph
Goubel, Mauritz
Goodballet, John
Goforth, William
Gilcrist, Archibald
Gargil, John
Gates, Michael
Grim, David
Goelet, Jacob
Garret, Magnus
Grant, Thomas
Graaf, Jacob
Galaspy, John
Graham, Ennis
Garrabrant, Peter
Garnier, Isaac
Green, John
Grim, Peter
Grim, Philip
Graham, Arthur
Garmen, Isaac
Genter, John
Gilbert, John
Gilbert, John
Goodfellow, Timothy
Golladet, John
Gill, John
Gibson, John
Griffin, George
Garrabrant, Marselis
Greno, John
Gaine, Hugh
Glenn, Anthony
Genter, John Henry

H

Harison, George
Hopkins, George
Hynes, Patrick
Harris, David
Haywood, William
Hughs, Henry
Hilhouse, James
Hunter, William
Hyer, Peter
Herring, Elbert
Hardenbrook, Abel
Hays, Judah
Hunt, Ward
Hyer, William
Huff, Henry
Hopper, Matthew
Hazzard, Daniel
Hunt, Obediah
Houth, John
Hallet, James
Hughs, Hugh
Hunter, William
Hicks, Dennis
Hartz, Jasper
Horton, Nathan
Hays, Thomas
Hyer, Baltus
Hopper, John
Hampton, Jonathan
Hanson, David
Hazzard, Jonathan
Hopson, George
Hardenbrook, Gerardus
Hugget, Benjamin
Hyer, Walter
Haydock, Henry
Haydock, John
Hays, Solomon
Hamersly, Andrew
Havener, George
Hoffman, Michael
Harding, Thomas
Henry, Joseph
Hogland, Adrian
Hunt, Davis
Harvey, James
Hays, Isaac
Halderman, Mathias
Haywood, Thomas
Hopper, Matthew
Hyer, Walter
Hunter, Anthony
Hunt, John
Hunt, Jesse
Horsman, Lawrence
Harris, John
Hamilton, Lewis
Hamersly, John
Hopper, William
Ham, Wendell
Hay, William
Hammond, Thomas
Hyer, Abraham
Hilliker, George
Hogland, Francis
Hegeman, Dennis
Hopper, John
Hay, George
Hallet, Jacob
Harding, Robert
Hewlick, Henry
Hoffner, Melchior
Homes, David
Harrison, Garret
Hyer, Cornelius
Hitchcock, William
Hunt, Thomas
Hanion, Peter
Hestier, John
Horsen, John
Hoodt, Jacob
Holding, John
Hardmen, Lawrence
Hendricks, Peter
Holmes, John
Hawkins, Joseph
Hallet, Samuel
Hallet, Robert
Hodge, Samuel
Hopper, Ryneer
Haynes, Joseph
Hyer, Victore

I

Isaacks, Casper

J

Jeffrey, Richard
Jeffrey, Charles
Johnson, David
Johnson, Francis
Jones, Humphrey
Johnson, John
Johnson, Simon
Johnson, Robert
Jandine, Charles
Jauncy, John
Jacobs, Tunis
Johnson, Samuel
Jones, John
Johnston, John
Judah, Hilliard
Jervis, James
Johnson, Samuel (goldsmith)
Johnson, Isaac
Johnson, John (joyner)
Jacobi, Christian
Jones, John
Job, Samuel

K

Knowlend, Thomas
Knickerbocker, Abraham
Kortright, Aaron
Keys, Joseph
Kelly, John
Knickerbocker, Peter
Kenrick, John
Kerr, William

Kip, Evert
Kendal, John
Knight, Mathias
Kerr, William
Kierstead, Luke
King, John
King, John (mason)
Kieser, Hendrick
Kip, Henry
King, Adam
Kelly, William
Kregier, John
Kip, Leonard
King, Adam
Ketchum, John
Kip, Jacob
Keiser, Michael
King, John
Kip, Baltiser
Ketch, David
King, Arcy
Knap, Daniel
Kingston, John
Kierstead, Luke
Ker, James
Kittletas, John
Kerkwood, James
Kempton, Samuel
Kierstead, Jacobus
Kregier, Martin
Kip, Richard
Kippin, William
Ketch, Robert
Kip, Isaac
Keets, Benjamin
King, Linus
Kierstead, Luke
Kennedy, William
Kettletas, Peter
Kelly, William
Korkright, Lawrence
Keasy, Daniel
Kip, Jacobus
Kendle, Thomas
Kierson, Abraham
Kean, William
Kennedy, James
King, Aaron
King, Isaac

L

Lott, Peter
Lansing, John G.
Loriljea, John
Lous, John George
Levy, Hayman
Lake, John
Lugg, Charles
Lozier, Oliver
Low, Marinus
Lee, John
Lowey, James
Lewis, Richard
Lasher, Frederick
Lott, Abraham
Losie, Simon
Lee, William
Lasher, John
Lawrence, Thomas
Lawrence, James
Labagh, Henry
Lowns, James
Leary, John
Livingston, James
Lefferts, Jacobus
Lane, Henry
Lewis, John
Ludlow, Thomas
Loghead, James
Livingston, John
Lewis, Charles
Lensen, Abraham
Loring, Benjamin
Lane, Stephen
Lawrence, Thomas
Livingston, Robert
Lasier, Benjamin
Lural, Peter
Low, John
Lasher, Jacob
Lawrence, John
Littlejec, Lawrence
Ludlow, William
Lewis, Archileus
Lawrence, Caleb
Lasurier, Abraham
Lowrier, Michael
Lowrier, Edward
Lifferts, Abraham
Low, Nicholas
Latham, Joseph
Light, James
Lamb, John
Lertel, Michael
Low, John
Levars, David
Livingston, Rob. Gill
Lazier, Jacob
Lazier, Lucas
Ludlow, Henry
Lydick, Philip
Lawrence, William
Lambert, John
Lewis, John
Lambersen, Lawrence
Lewis, Francis
Liske, Peter
Leake, John (carpent.)
Larles, Joseph
Leeve, Abraham
Lynsen, Gideon
Lewis, Johanis
Lamb, Alexander
Lorain, Peter
Lasher, John, Sr.
Livingston, Roger
Lawrence, Henry
Lockwood, Ephraim
Lewis, Joseph
Lydebeg, Godfrey
Leroy, Jacob
Light, Edward
Lafoy, Abraham
Leversage, John
Lamb, Anthony

M

Myer, John
Magre, James
Marselus, Andrew
McDonnel, Patrick
Mulliner, Thomas
Myer, John
Myer, Adolph
Myer, John, Sr.
McKensie, James
McNamee, Francis
Miller, Davis
McGee, Samuel
Myer, John
Mesier, Peter
McKinne, John
Murphy, Alexander
Mulligan, Hugh
Miltenberg, Peter
McGuyre, Richard
Montanje, Peter
Metzger, Jacob
Montanje, John
Myer, Gerardus
Miller, John Godfrey
Man, Edward
Myer, Cornelius
McDaniel, John
McEwen, John
Myer, James
Morra, William
Marlin, Abraham
Maverick, Andrew
Montanje, Vincent
Myer, Daniel
McKinly, William
McKinly, Daniel
McDugald, Ronald
McCarty, Finley
Milligan, Josiah
Margison, Peter
Moore, William
Marston, Nath.
Myer, Ede
Myer, John
Munden, James
Murry, Robert
Murphy, Michael
Martin, Isaac
Marselis, Peter
McAlpine, Robert
Myer, Andrew
Messeroy, George
Messier, Abraham
Marshalk, Cornelis
Morris, Isaac
Magre, Roger
Mills, Abraham
Morris, John
McIney, John
McKennen, Duncan
Morris, Silvester
Morisson, Donald
Myer, Adolph
Middleburg, Adam
McGown, Daniel
Man, Isaac
Marschalk, Francis
McCartney, James
McBene, Alexander
Marchin, Frederick
Morrel, Jonathan
Morrel, Samuel
McDugald, Dugald

Myer, Aaron
Midwinter, Robert
Morris, Lewis
McKinley, David
Myer, Abraham
Man, John
Man, James
Meed, Isaac
Morris, Matthew
Moore, Michael
Merlin, Andrew
Montanje, John
Montanje, John
Margison, John
McFall, Hugh
Myer, John
Miller, Bartol
McLean, John
Morrel, Robert
Miller, Elijah
Meeks, Joseph
McNeal, Arthur
Miller, Thomas
Marlin, Barent
Muckelroy, Edward
McKenly, Robert
McNemar, James
McGinnis, Robert
Mahony, Cornelis
Marshalk, Peter
Metcalf, Henry
May, Tulip
Manny, Francis
Myer, Isaac
Miller, Samuel
Myer, John
Mott, John
McEvers, James
McEvers, Charles
Marshalk, Peter
Morris, Abraham
Marshalk, John
Moore, James
Myer, John R.
McCartney, John

N

Nagle, John
Nicol, Charles
Niven, James
North, Joseph
Norstrant, Albert
Nicol, William
Noel, Garret
Nicol, Edward

O

Oaks, Thomas
Oblinus, Johanis
Osburn, John
Ogden, Nathaniel
Ousterman, Frederick
Ogden, Benjamin
Ockerman, Nicholas
Outenbogert, Richard
Outenbogert, George
Ousten, William
Outenbogert, John
Oglesvie, William
Ockerman, Henry
Outenbogert, Nicholas
Outenbogert, Isaac

P

Pauling, Joseph, Jr.
Pendergrass, Martin
Post, William
Pauling, Joseph
Pridy, William
Parks, Lawrence
Provoost, David
Provoost, John
Pell, Samuel
Post, Isaac
Post, Martin
Phenix, Alexander
Patterson, John
Philipse, David
Provoost, Robert
Piersal, William
Polhemus, Daniel
Pauling, James
Peltro, Daniel
Peltro, Elias
Piersal, Thomas
Pels, Evert
Painter, John
Piersal, Jacob
Pettit, Richard
Piersal, Thomas
Pine, Michael
Patterson, George
Peet, William
Pearsal, William
Paulison, John
Poppelsdorf, William
Phillips, Charles
Pfeffer, David
Provoost, David
Parker, James
Pearsal, John
Peters, George
Pell, John
Peck, William
Peck, Luke
Pettet, Thomas
Pearce, Ephraim
Price, Edward
Pearse, William
Painter, Lewis
Painter, John
Patterson, Joseph
Prince, Samuel
Philipse, Philip
Pain, Benjamin
Pontiac, William
Pauling, Joseph
Pels, Samuel
Post, Francis
Proctor, Gardian
Proctor, William

Q

Quinn, Christopher
Quackenbos, John
Quackenbos, Rynier
Quick, Jacobus
Quick, Abraham
Quackenbos, Benjamin
Quackenbos, Cornelius

R

Ramsen, Henry
Rapilje, Garret
Rice, Matthew
Relay, Lewis
Rowland, William
Rosevelt, Jacobus
Roome, John
Richards, William
Robinson, John
Roome, Jacob
Roose, Garret
Roorbegh, John
Ray, Robert
Ray, Richard
Ryke, Peter
Roosevelt, Nicholas
Roosevelt, Oliver
Reid, John
Ruff, Daniel
Rapelje, Rem
Revo, Daniel
Revo, Daniel, Jr.
Roome, Lawrence
Ryder, Hugh
Ryell, Joseph
Rodger, Richard
Roome, Cornelis
Randall, William
Right, Richard
Ryer, Michael
Rykman, Tobias
Ritter, Michael
Ryke, John
Robins, John
Randal, Thomas
Richard, Stephen, Jr.
Remsen, Jacob
Robinson, David
Rykman, Isaac
Remse, Peter
Rooseboom, Frederick
Ritter, Henry
Roome, Paul
Ryke, Henry
Robinson, Beverly
Roon, Lodewick
Robuck, Jarvis
Ryke, Andries
Rylander, William
Rooseboom, William
Robinson, Thomas
Rose, James
Ried, James
Rafter, Hugh
Roome, John
Ried, Richard
Rykman, Jacobus
Rigler, Andrew
Roosvelt, Jacobus
Roosvelt, Peter
Rivers, John
Roosevelt, Isaac
Ried, Duncan
Ryke, Henry
Rigby, Joseph
Roome, Luke
Ryke, Jacob
Ryan, Cornelius
Runshaw, John

Richard, John
Roosevelt, Jacobus
Romer, Cornelius

S

Stoutenburg, Isaac
Stoutenburg, Jacobus
Stout, Benjamin
Shaver, Henry
Shardevine, Isaac
Sickells, John
Stilwell, Thomas
Sileth, Abraham
Sulivan, Dennis
Sentess, Mathew
Sears, Isaac
Sulivan, Daniel
Scott, William
Somerdyke, Isaac
Shedwick, Isaac
Smith, William, Jr.
Stilwell, Nicholas
Seabry, Lawrence
Stoutenburg, Tobias
Shakerly, Anthony
Seabry, Cornelis
Stover, Christian
Stimitz, Benjamin
Suligan, John
Stokes, Nicholas
Schrom, Michael
Scuyler, Dirck
Stymets, Peter
Swarthout, Bernardus
Stimetz, John
Stimetz, Jacob
Stanton, Henry
Schuyler, Myndert
Spier, Albert
Steel, John
Storm, John
Stewart, Walter
Smith, John
Snows, John
Smith, Finley
Smith, Gilbert
Schuyler, Adoniah
Steel, Stephen
Stewart, Alexander
Savage, Barny
Singer, James
Stephens, John
Simonton, Thomas
Sherer, Gilbert
Stewart, James
Smith, John
Stout, John
Stanton, George
Stanton, Richard
Shearman, Jacob
Sawyer, Peter
Schermerhorn, John
Sprainger, Henry
Swanser, William
Shaver, Matthew
Syberberg, Christian
Sennet, Christopher
Saunders, John
Shaw, Timothy
Stymitz, Casparus
Spitz, Jacob
Smith, Abraham
Swigart, Peter
Spencer, Matthew
Silvester, Francis, Jr.
Sutes, Isaac
Slydell, John
Swan, James
Shaw, John
Smith, John, Sr.
Smith, Simon
Smith, ——
Sleght, Matthew
Smith, John (baker)
Stimitz, Christian
Sipkins, John
Spingler, Baltus
Shuth, Henry
Sise, John Michael
Stiles, Daniel
Stiversandt, Gerardus
Shaw, Niel
Somerdyk, Tunis
Swarthout, Abraham
Stienmetz, Benjamin
Shill, Christopher
Striker, James
Sackett, John
Sickells, Robert
Skates, Ryneer
Slover, Isaac
Shew, George
Smith, Bernardus
Schnyder, Paulus
Schulthorp, John
Sarly, Jacob
Stephany, James Sebast.
Sandolph, Leonard
Stewart, John
Steinbraner, Jacob
Stone, Richard
Sharp, Richard
Seamour, Thomas
Stilwell, Elias
Shute, Henry
Skinner, Abraham
Shreve, Thomas
Sickells, Zachariah
Siebring, Abraham
Sibley, Richard
Stevens, James
Stockholm, Abraham
Shedwick, Thomas
Stilwell, Daniel
Schnyder, Henry
Smith, John
Sackett, James
Sackett, Samuel
Saentlin, Cornelius
Stilwell, Samuel

T

Torrin, John
Talbot, St. George
Taylor, Peter
Tippet, Stephen
Thomson, Reuben
Tudor, John
Thurman, John
Ten Eyck, Richard
Turk, Cornelius
Taylor, Moses
Taylor, Benjamin
Turk, Ahasuerus
Turk, Cornelius
Tenny, Jacob
Teller, William
Ten Eyk, Anthony
Tiebout, Albertis
Taylor, John
Turk, Jacobus
Tuttle, Edward
Ting, Peter
Tyle, James
Table, John
Tomkins, John
Thurman, John, Jr.
Ten Eyk, Daniel
Tiebout, Cornelis
Taylor, Morris
Thompson, Andrew
Tole, Richard
Ten Eyck, Gurny
Tanner, Benjamin
Ten Eyk, Abraham
Totten, Joseph
Taylor, John (brasier)
Ten Broek, John
Tiebout, Teunis
Trainer, Peter
Ten Eyck, Coenradt
Tucker, William
Tout, Robert
Teller, Peter
Tingley, Samuel
Tiebout, Tunis (mason)
Tuckey, William
Thorp, John

U

Ute, Jonas
Ute, John

V

Van Deursen, William
Van DeWater, Benjamin
Vrederburg, John
Van Wyck, John
Van Dyck, Francis
Van Derhoof, Cornelis
Van Cleek, John
Valkenhaen, Samuel
Van Vlarcum, Cornelis
Varrien, John
Van Renselaer, Joram
Van Der Spiegle, John
Van Pelt, John
Van Hook, Isaac, Jr.
Van Bomel, Garret
Van Albany, Andrew
Van Orden, John
Van Orden, Matthew
Vanderhoof, Lawrence
Van Orden, Jacob
Van Horne, Garret
Van Vele, Fredericus
Van Horne, John
Van Vorst, John
Van Woster, Benjamin
Van Boskirk, Andries

Van Wagenne, Jacob
Van Horne, John
Verden, Abraham
Verden, Isaac
Van Maple, Henry
Vouck, Jacob
Vouck, Peter
Van Gelder, Isaac
Van Wagenne, Henry
Van DeWater, Peter
Van Winkle, Simon
Van Buren, Beekman
Van Wyck, William
Vanwoort, Jacob
Van Renselaer, Corn's
Van Waert, Garret
Van Wyck, Theodorus
Van Dyke, Nicholas
Van Vleck, Henry
Van Vlarcum, William
Veel, Joseph
Vouck, Matthew
Van Voorhees, Jacob
Vaerck, Richard
Van Gelder, Colen
Van Waert, John
Vervale, Jacobus
Van Everre, Myndert
Varian, James
Van Kleek, Baltus
Van Veark, James
Van Gelder, David
Van Den Berg, Adam
Van DeWater, Henry
Van Orden, Peter
Van Cortland, Philip
Van Wyenne, Jacob
Vangelder, John
Van Kleek, Baltus
Van Dolsen, John
Van Alstyn, Matthew
Van Antwerp, Jacobus
Van Bussing, Henry
Van Gelder, Peter
Van Kleek, Cornelis
Van Denham, Henry
Van Gelder, Abraham
Vardel, Thomas
Van Kleek, John
Van Zandt, John
Van Zandt, Peter
Vredenbyrg, Will'm
Van DeWater, Will.
Van Evere, Ede
Van Dyke, Abraham
Valler, John
Van Shyver, John
Van Durzen, John
Van Der Grift, Henry
Van Gelder, Abraham
Van Deursen, Peter
Vallard, Peter
Van Alst, Jacobus
Van Gelder, Henry
Van Tassel, Tunis
Van Der Pool, John
Van Horne, Samuel
Van Horne, David
Van Deursen, Johanis
Van Hook, Aaron
Van Everre, Martin
Van Cortland, John
Vredenburg, John
Van Kleek, Gysbert
Van Wagenne, Huybert
Van Gelder, James
Van Vleck, Daniel
Van Dolsen, John
Vredenburg, Jacob

W

Wilson, John
Wheler, Isaac
Wells, Obediah
Walton, William, Jr.
Waldron, Peter
Warner, Robert
Wheler, Jonathan
Webb, William
Waddell, John
Wool, James
Wood, William
White, Peter
Walton, Jacob
Walton, Thomas
Wiggins, Daniel
Welch, Thomas
Wilson, Alexander
Waldron, Richard
Welch, George
Webber, Albert
Williams, Lodewick
Witter, Thomas
Woolhoupter, Godfrey
White, John
Webber, Jacob
Wessells, John
Welch, Francis
Whiteman, John
Westerfeldt, Jacob
Will, John
Wool, Matthew
Wright, Jonas, Jr.
Wood, William
Will, John Michael
Wendel, Jacob
Waldron, Samuel
Weaver, William
Webber, Frederick
Wilson, Abraham
Wessell, Lawrence
Wessell, Francis
Walgrove, George
Willis, George
Willet, Thomas
Wright, Daniel
Westerveldt, James
Webber, Cornelius
Warner, Thomas
Wheeler, James
Woods, John
Waldron, William
Wely, Thomas
Waldron, Resolved
Woodhouse, Robert
Wright, Jonas
Wright, John
Woortman, Dennis
Welch, John
Wendover, Thomas
Waldron, Johanis
Wilson, Joseph
Wood, Isaac
Wright, Peter
Waldron, Benjamin
Wendover, Hercules
Wool, Jeremiah
Whiteman, Henry
Wessells, Evert
Wetsell, John
White, Thomas
Webber, Arnout
Woertendyk, Teunis
Warner, William
Wilson, Joseph
Wynants, William
Wessell, Peter
Waldron, Peter
Wyley, John
Wynkoop, Corn', Jr.
Wynkoop, Corn', Sr.
Wynkoop, Benjamin
Wessells, Gilbert

Y

Young, Joseph
York, John
Young, Alexander
Young, David

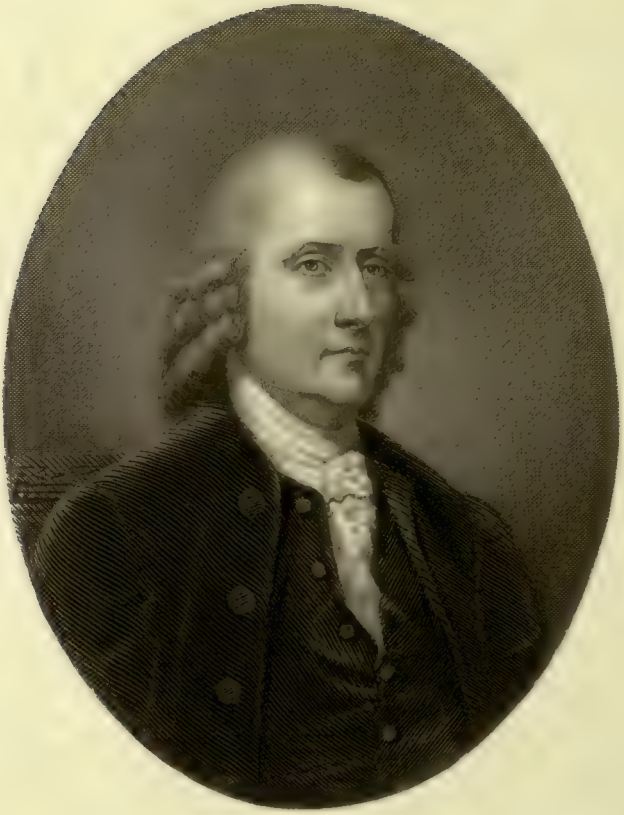
Z

Zigler, Gothard
Zickells, Michael
Zigler, John

NUMBER OF VOTERS, 1447.

Of these:

Cruger received.....1069
Livingston received..... 916
Lispenard received..... 838
Bayard received..... 795
Scott received..... 722
De Lancey received..... 700



John Cooper

CHAPTER X

THE PART OF NEW-YORK IN THE STAMP ACT TROUBLES
1761–1768

SIR CHARLES HARDY having resigned the post of governor, the king on March 20, 1761, on the recommendation of the Earl of Halifax and the Board of Trade, appointed Robert Monckton governor and captain-general, and Cadwallader Colden lieutenant-governor. The vexed question of the office of chief justice was also finally disposed of by the appointment of Benjamin Pratt to this important vacancy.[1] The officer now appointed as governor was a favorite in the colonies. A son of Viscount Galway, he was entitled to the social distinction which he received in the intimacy of the high families of the province, Mr. John Watts being one of his warmest personal friends. He began his career in Flanders, and was transferred in 1753 to the American station, where he successively commanded the posts of Halifax, Annapolis Royal, and Nova Scotia, of which he had been lieutenant-governor since 1756, during which period he also commanded the Royal Americans in Loudoun's army, was engaged at the siege of Louisburg, and later was second in command to General Wolfe at the capture of Quebec. Severely wounded in this action, he was promoted colonel, and in 1761 major-general. It may here be added that, although offered a command later in the war of the Revolution, he declined to draw his sword against the colonists who had fought under his command in the French war.

General Monckton's commission reached New-York by the Alcide man-of-war on October 20, 1761, and on the 26th he was sworn in as governor. He was received with great enthusiasm by the people; the corporation of the city waited upon him with an address, and presented him with the freedom of the city in a gold box, at a cost of twenty-four pounds four shillings, as the minutes show. With his patent he received permission to quit the province and take command of the expedition fitting out against Martinique. He therefore abstained

[1] This gentleman was also named and appointed to the vacancy in the council, completing the twelve; Mr. Colden's suggestion of his son Alexander for this place not having apparently met with much consideration.

from any act of authority. He declined to receive Mr. John Chambers's resignation as judge, and seems to have confined himself to accepting that of Mr. Archibald Kennedy from the council, as his age and his duties as collector of the customs were sufficient motives for withdrawal. He also recommended Mr. Joseph Reade for the vacancy on the board. On November 15 Major-General Monckton produced in council his leave of absence, and passed over the seals to Colden; but by one of those omissions not uncommon in the history of the colonies, the king's instructions to Governor Monckton, although mentioned in his commission, did not arrive with it. The lieutenant-governor had called upon him to produce the missing document, and seemed inclined to question the legality of his assuming the office at all: a course which was neither approved by the council nor by the public at large. The feeling of disapprobation was silently displayed by the omission of the lieutenant-governor's name from the addresses and congratulations of public bodies, the judges, the bar, the grand jury, and others.

In the king's instructions to Sir Charles Hardy, Governor Monckton's predecessor, and like him authorized to quit his government on the business of his Majesty's forces, directions were given that in such case one full moiety of the salary and of all perquisites and emoluments of the post should be paid to the lieutenant-governor. It must be held in mind that while the governor resided in the province the lieutenant-governor had neither salary nor emolument of any kind. It had been Monckton's intention to abandon his share to Colden, and he had ordered the preparation of a legal instrument of transfer, but, irritated by Colden's captious attitude in the matter of the instructions, he changed his mind and in writing demanded of Colden a surrender of his claim. Colden demurred, making a general promise to comply with the king's instructions when they should arrive. Colden openly told the governor that he hoped that the instructions would give to himself the whole perquisites. Monckton was on the point of suspending the lieutenant-governor without ceremony when mutual friends arranged covenants and a tripartite indenture between the two officers and Mr. Banyar, the secretary of the council. Monckton insisted that all perquisites should pass into Banyar's hands, and required bonds from Colden and Banyar for their faithful performance of the covenant, and stipulated that the accounts should be rendered on oath. On November 14 the fleet of one hundred sail—convoyed by the Alcide, of sixty-four guns; the Devonshire, of seventy-four; two of fifty, and one of forty guns—left Sandy Hook for Martinique. The government now again devolved on Colden.

Mr. Colden's second administration of the affairs of the province was closed by the return of General Monckton from the conquest of

Robt Monckton

This portrait is after a photograph of the original by Benjamin West, owned by Viscount Galway, who writes to the editor, December 9, 1891: "I have great pleasure in sending you by the post a copy of the portrait by West, which has always been in our possession at Serlby, and is very good of the original picture. You are doubtless aware that in West's picture of General Wolfe's death, Monckton, who was second in command, is the figure standing up with his arm in a sling." EDITOR.

Martinique on June 12, 1762. He immediately assumed the reins of government and entered upon its duties with a personal prestige of the highest character. Monckton's first business on his return was to complete the bench. Pratt opportunely dying, he appointed Daniel Horsmanden chief justice. Mr. Thomas Jones received the next commission, William Smith, the elder, the third, and Robert R. Livingston the fourth. All these commissions were accepted during pleasure; but the hold of Monckton on the gentlemen of New-York was different from that of Colden. Yet a third time was the latter invested with the government. The health of General Monckton making it advisable for him to leave the province for a time, he prepared to do so early in June, 1763. Colden had already advised the Earl of Halifax on March 22 of the probable departure of the governor. On June 28 Monckton sailed for England, again delivering the seals to Colden, and leaving his private affairs in the charge of his intimate personal friend, John Watts.[1]

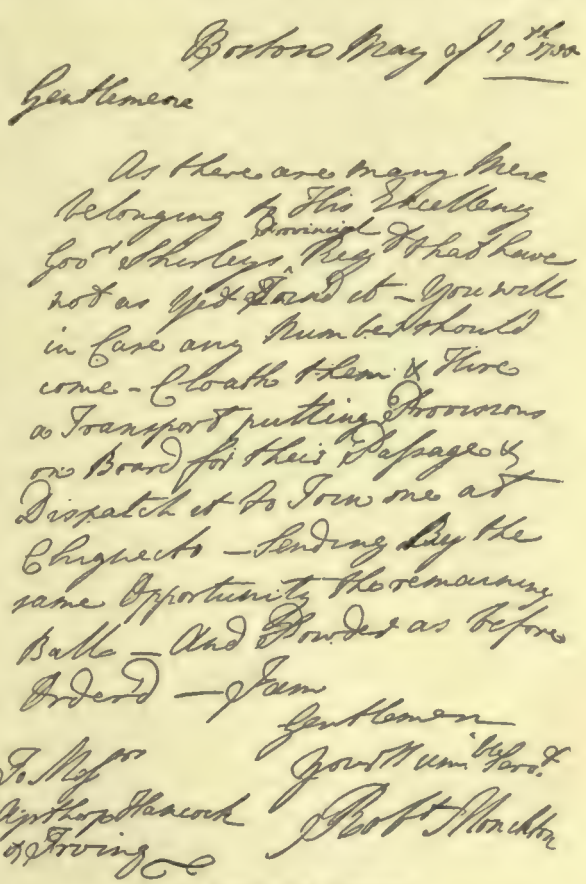
Thomas Jones

Nothing of importance took place after Monckton left until Mr. Colden called the assembly together, on September 5, 1764. In his speech opening the session he confined himself to generalities; congratulations on the peace with the Indians; a recommendation to discharge the public debt; and another to renew the expired act granting a bounty on hemp, a product for which the lands of the province were well adapted and in which the British manufacturers were greatly interested. To these trite suggestions the assembly replied in an address which was the signal note of the coming contest. It ran:

> Nothing can add to the pleasure we receive from the information your honour gives us that his Majesty our most gracious sovereign distinguishes and approves our conduct. When his service requires it we shall ever be ready to exert ourselves with loyalty fidelity and zeal and, as we have always complied in the most dutiful manner with every requisition made by his directions, we with all humility hope that his Majesty who is and whose ancestors have long been the guardians of British liberty will

[1] Smith's "History of New-York" closes with the return of Monckton from the conquest of Martinique. There is no further history by any contemporary of Colden except that by Chief Justice Thomas Jones, written after the Revolution, and recently published by the New-York Historical Society. The work of a disappointed and exiled loyalist, it is unfortunately narrow and prejudiced, and while correct, no doubt, as to the facts of which he was eye-witness, it is not to be trusted in its opinions or criticisms on the action or characters of the moving spirits in the great drama which was about to open in the colonies.

so protect us in our rights as to prevent our falling into the abject state of being forever after incapable of doing what can merit his distinction or approbation. Such must be the state of that wretched people who (being taxed by a power subordinate to none and in a great measure unacquainted with their circumstances) can call nothing their own. This we speak with the greatest deference to the wisdom and justice of the British parliament in which we confide. Depressed with this project of inevitable ruin by the alarming informations we have from home neither we nor our constituents can attend to improvements conducive either to the interests of our mother country or of this colony. We shall however renew the act for granting a bounty on hemp, still hoping that a stop may be put to those measures which if carried into execution will oblige us to think that nothing but extreme poverty can preserve us from the most insupportable bondage. We hope your Honour will join us in an endeavor to secure that great badge of English liberty of being taxed only with our own consent to which we conceive all his Majesty's subjects at home and abroad equally entitled; and also in pointing out to the ministry the many mischiefs arising from the act commonly called the Sugar Act both to us and to Great Britain. Your Honour may depend on our giving all due attention to the support of Government and that by the punctual discharge of our public debts the irreproachable credit of this Colony will be maintained.



THE MONCKTON LETTER.

This significant address was reported by Philip Livingston, member for the city, whose name appears on the journals of the assembly as alderman, from his having held the office of alderman of the East Ward from 1754 to 1762. In replying to it, Colden stated that as the material parts could not with any propriety be made to himself, he should transmit it to more proper judges of the sentiments they adopted. But, while declaring that their method was improper, he would do nothing to prevent their making a representation of the state of the colony as they should think best. This was on September 17. To the lords commissioners of trade and plantations he declared him-

self on the 20th in a more emphatic manner. He said the address appeared to him so undutiful and indecent that he thought it incumbent upon him to give an account of his conduct therein. He had obtained a reconsideration of the address, but no material modification; and in the absence of most of the council from town he had not the advantage of their advice. When, however, they came together in sufficient number, he was unanimously advised not to dissolve the assembly. He ascribes the ill-temper of the assembly to the influence of the great landed proprietors and the merchants of New-York, the principal of whom were connected with the proprietors. These he insists were, by their influence as members of the assembly, or upon such members, freed from the ordinary quit-rents and every other tax as well.

Meanwhile, in the privacy of their committee-rooms, and, as Colden directly asserts in his letter to the lords commissioners, in a secrecy from himself which he did not think it requisite for himself to inquire into, the assembly prepared petitions to the king and to the houses of lords and commons. The assembly were no longer content to deal with Great Britain through its representative authorities here. They carried their grievances to the mother-country and to the foot of the throne. To account for the intense feeling aroused in the colonies by the attitude of the British ministry, a brief summary of the Seven Years' War is necessary. The memory of this great struggle is still fresh, after the lapse of nearly a century and a half, in the towns of New England and the Middle States which were then border settlements. Many a family preserves the old King George musket and the heavy saber which were the arms of some forefather on one of the hundred fields of this close contest.

While a nominal peace still existed in Europe, there was a smoldering border struggle along the line of the English settlements in America, which broke into flame when the French began to tighten the interior cordon which inclosed the colonies from the St. Lawrence to the Mississippi: a cordon doubly dangerous because it included the savage tribes who were under the influence of the French. The building of a post by Du Quesne, the governor of Canada, at the junction of the Monongahela and Alleghany rivers, was the immediate cause of hostilities. Washington, then a youth of twenty-two, was sent by the Virginia government with a regiment of colony troops to drive them out. Met by a superior force of French and Indians, the Virginians were forced to surrender. The news reaching England, Braddock was sent out with a few regiments of British regulars to support the British claims. On his arrival a convention of colonial governors assembled at his request in Virginia, and a plan of military movements was concerted. Of the three operations he reserved for himself the attack on Fort Du Quesne. The disaster from which Washington with difficulty

saved a fragment of the army had far-reaching effects; one of which was to teach the colonists that in a conflict with Indian antagonists they were the superiors of their well-trained but inexperienced British cousins.

From the signature of the hollow peace of Aix-la-Chapelle, France had been silently consolidating an alliance which almost isolated England from continental influence, and she now openly threatened her entire colonial system. The close family compact of the French and Spanish branches of the great house of Bourbon had been still further strengthened by the support of Austria, Russia, and Saxony, the first two of which were contemplating the partition of Prussia, while the latter could not as a matter of safety hold herself aloof. The league of the five powers was completed in 1755; the treaty between Austria and France being signed the next year. To oppose this formidable coalition England found no ally but the great Frederick: fortunately for her, a host in himself. Never was England so ill prepared for war. Newcastle, weak and incapable, was at the head of the ministry. The utter want of military preparation is sufficiently shown in the startling fact that at the beginning of the year 1756 there were but three regiments fit for service in all England.

The capture of Fort Mahon in Minorca, the key of the Mediterranean, by the Duc de Richelieu with a French force; the withdrawal of the British fleet sent to the relief of this post by Admiral Byng; and the equally disgraceful retreat of the Duke of Cumberland with an army of fifty thousand men, raised for the defense of Hanover, before a French force, aroused and alarmed the people of England. Great emergencies develop strong characters and bring to the front great men. In this dire stress England found a man and a character equal to the demand; a man who embodied all those types which, strong and unlovely though they be, combine to form a great English statesman. Such was William Pitt, the great commoner, foremost of Englishmen since Cromwell. Toward the close of the year 1756 the Whigs, who from the accession of the house of Hanover to the crown of England had held the confidence of the people and maintained their rule, fell

S. BELLIN'S RARE MAP OF 1764.

at the very zenith of their power. In December Pitt was called to form a ministry. His first business was to introduce a liberal policy toward the colonies. In this, as in other of his schemes for the benefit of the English people, he was thwarted at every step. His colleagues were forced to resign, and he himself was dismissed by the king in April following. He had said to the Duke of Devonshire, "I can save this country, and nobody else can"; an assertion which the sequel showed was no idle vaunt. For eleven weeks vain efforts were made to form a new administration. Finally the king and his aristocratic advisers were forced to yield to the popular demand, and in July, to the universal satisfaction, Pitt again kissed hands as prime minister of the realm. Such was the confusion in public affairs that his incoming was hailed by all parties with a like enthusiasm. The king engaged to him his confidence; Lord Bute and John Wilkes joined in congratulations. He was hailed as the savior of Protestant Europe, as the great defender of the rights of the people against the autocratic assumption and aggression of the house of Bourbon.

The contest, as has already been stated, began in America. The fight at Fort Du Quesne was the initial movement in the great struggle, which was immediately to change the face of America, and ultimately of the political world on both continents. The several successful campaigns in the Canadas have been briefly summed up, the war continuing with unabated vigor, but with varied success, till the fall of Quebec.[1] The spirit which the magic power of Pitt infused into the colonies appears in the alacrity with which they voted men and money and supplies of war. Dr. Franklin states that the number of Americans, or provincial troops, employed in the war was greater than that of the regulars, and that the colonies raised, paid, and clothed nearly twenty-five thousand men, a number equal to those sent from Great Britain, and far beyond their proportion. In a letter from Boston of December 18, 1766, preserved in a newspaper extract in a curious volume entitled "Lord Chatham's Clippings," it is stated that the Royal Americans engaged in the single campaign which resulted in the capture of Quebec amounted to fifteen thousand men. Little wonder, therefore, that Pitt should hold himself the unflinching friend of the hardy colonists who had made his victory possible; for without their aid, under the material conditions of the last century, the Cana-

[1] Series of glorious victories from the beginning of hostilities in 1755: The expedition of that year of General Winslow against the French and Nova Scotia, with an army of provincials chiefly; of 1758 against Louisburg and the islands of Cape Breton, under Admiral Boscawen and General Amherst; against Frontenac by Colonel Bradstreet, with regulars and provincials detached from General Abercrombie's army; of General Forbes against Fort Du Quesne, with regulars and provincials; of General Prideaux and Sir William Johnson, with regulars and provincials, against Niagara, in 1759; of General Amherst, the same year, against Ticonderoga and Crown Point, with regulars and provincials; and of General Wolfe against Quebec, and the final capture of Montreal by General Amherst, with regulars and provincials, which completed the conquest of the Canadas.

das could not have been wrested from the grasp of France. In the spring of 1762 the French ministry, disheartened by defeat, and at a loss for means to continue the war, made overtures for peace. In November the treaty was signed at Paris by England and Portugal on the one hand, and the Bourbon houses of France and Spain on the other. To England were ceded all the French possessions in America, the Spanish possessions of Florida, all Louisiana to the Mississippi, except New Orleans, which France transferred to Spain in consideration of the cession of the Floridas, on which England insisted to complete the Atlantic border of the colonial settlements.

Nowhere was the glorious peace hailed with more patriotic joy than in the American colonies; not alone because it brought to an end the border warfare with its aggravations of savage cruelty, but because it was the triumph of England, that mother-country with whose every heart-beat their own pulses throbbed in unison. Their temper toward the mother-country before the year 1763 was, in the words of Benjamin Franklin at his examination before the bar of the House of Commons, "the best in the world. They submitted willingly to the government of the Crown, and paid in all their courts obedience to Acts of Parliament. . . . They were led by a thread. They had not only a respect, but an affection for Great Britain, for its laws, its customs and manners, and even a fondness for its fashions that greatly increased the commerce. Natives of Great Britain were always treated with particular regard; to be an Old England Man was in itself a character of some respect, and gave a kind of rank." Franklin gave no testimony as to the feeling of regard and attachment with which the person of the sovereign was held by the colonists. It was needless. There was never a question of their loyalty to the king.

The great results secured by the peace of Paris were not achieved without the expenditure of a vast amount of treasure as well as of blood. Pitt spared neither in his iron determination to reach his aims, which were English supremacy in America, English dominion on the seas, the humbling of the proud house of Bourbon before the Protestant house of Hanover. The public debt of England, doubled by the expenses of the Seven Years' War, had risen to one hundred and forty million pounds sterling. Before the peace was signed Pitt was no longer in office. The young king, in his inexperience, not only chafed at the domination of his masterful spirit, but was greatly controlled by the concerted action of Lords Bute and Newcastle, whose personal intercourse with the sovereign was more intimate and direct than that of the stern minister. Pitt was not satisfied with the conquests he had made. At the council meetings called to consider the French proposals he had insisted on a war with Spain. Nothing would satisfy him but the absolute destruction of the Spanish monop-

oly in the New World, "a general resignation of all Spanish America in all matters which might be deemed beneficial to Great Britain." The Whig lords took issue with him. On October 5 Pitt resigned the seals. The king accepted the resignation, and tendered him the government of Canada with a salary of five thousand pounds. This the proud minister declined, asking that such rewards as the king might intend be conferred on his family rather than himself. The king and his advisers were for peace. Pitt looked to the ascendancy of England; the Whig lords to the supremacy of the king. The king himself was swayed by those who advised him to maintain the prerogative in its extreme authority. "God," said one of these ministers, "had ordained him with the prerogative, and left to his servants the glory of obedience." "Cost what it may," said Halifax, at this time lord lieutenant of Ireland, but destined later to take his part in the impending conflict for chartered rights,—"cost what it may, my good Royal Master's authority shall never suffer in my hands." What to such men was the glory of England when compared with the royal pleasure.[1]

THE MONCKTON ARMS.

For a time the new ministry continued Pitt's policy. Without his high purpose, however, the prosecution of the war was impolitic, and within a week after the declaration of hostilities against Spain, the king ordered measures to be taken to detach Austria from the confederation of the Catholic powers. It was pending these negotiations that news of the victories of Monckton and Rodney in the West Indies reached England. These successes strengthened the hands of the king's friends, led by his favorite, the Earl of Bute. A crisis ensued in the king's cabinet; Newcastle withdrew, and, says our American historian of this period, "so fell the old Whig aristocracy which had so long governed England. It was false to the cause of liberty, and betrayed the man of the people." On the retirement of Newcastle in May, Bute became first lord of the treasury. Grenville took the seals of the northern department; Egremont, brother-in-law to Grenville, became secretary of state for the southern department and America; Lord North remained in the treasury board, with Bedford as privy seal, and Charles Townshend secretary of war; and in June Lord Halifax returned from Ireland, and joined the cabinet as first lord of the admiralty.

The new cabinet, content with the recent successes, were at heart as willing to make peace as their foreign foes. Through jealousies in the

[1] The blow struck at the independence of the New-York judiciary by the obsequious Colden, the first in the series of aggressions which culminated in the American Revolution, was delivered within six weeks of Pitt's resignation of the seals.

king's council, and chiefly owing to Lord Bute's duplicity, negotiations languished. In this condition of affairs news arrived of the capture of Havana. Again the cabinet divided on the policy to be followed. The king intervened, and seized the opportunity, by a personal indignity to the Duke of Devonshire, to drive into retirement the last remnant of the great Whig families who still clung to the traditions of the great revolution of 1688.

The peace was ratified on February 10, 1763. The joy of the colonists was dashed by the dread which had grown upon them of serious encroachments on their own rights and liberties since the enforced retirement of Pitt. They seem to have been perfectly aware of the nature of the threatening contest. One of the colonial governors, Hutchinson of Massachusetts,—like Colden, a subservient upholder of the royal prerogative,—said: "A good peace with foreign enemies would enable us to make a better defence against our domestic foes." Beyond the general dissatisfaction of the colonies with the subordination of the judiciary to the pleasure of the crown through the tenure of their warrants, the greater subject of discontent was the enforcement of the acts of trade by the court of admiralty: a court of vast powers, wholly independent of the province, acting, not on fact as determined by jury, but on information supplied by crown officers,—a system in which judge and informers drew their emoluments from the forfeitures they instigated and declared.

A COCKED HAT OF THE PERIOD.[1]

While the colonists awaited in anxiety the next step in the radical changes which the despotic young king, by a use of bribery and corruption unexampled in the history of England, was effecting in the composition of parliament, the American question was the all-absorbing theme in Great Britain itself. How to hold in dependence on the crown the hardy colonists who had learned their strength in the late contest, and found the measure of their powers side by side with the proud regulars from the British Isles, was a question trying enough for any statesman; enough for even the masterly mind of Pitt, but not, at least in his own opinion, beyond the will or the power of the young king. In February, 1763, the Earl of Bute, in prosecution of a well-matured plan, removed Lord Sandys from the board of trade and put Charles Townshend, an ambitious statesman, able and unscrupulous where his ambition was at stake, in his place; and in March the several governments in America were notified of the change, and of the rule of future correspondence. Although holding only the office of first lord of trade, Townshend had also a seat in the cabinet, counseled the king in

[1] Copied from an advertisement in the "New-York Gazette" of the year 1765. EDITOR.

person on administration affairs, and, while the self-willed Egremont still held the nominal control, Townshend became the actual secretary of state for the colonies. Though Bute himself was personally weak and inexperienced, these defects of character and education were supplied by his private secretary, Jenkinson, "an able, indefatigable, and confidential aid." In the conduct of American affairs Townshend had full sway, and in the cabinet found no opposition to his plans.

Under James II. began the attempt to introduce government by prerogative—an attempt resisted at the very beginning in New-York province by the famous Declaration of Rights and Privileges by the assembly of 1683. It had been continued under subsequent colonial administrations, but without success. It was now a settled fact, if not a written law, that no taxes could be imposed on the inhabitants of a British plantation but by their own assembly or by act of parliament. The new scheme was that while the ministers should act in the name of the king, they were to be sustained by the authority of the parliament; and it was to this end that the avenues of corruption were opened so that the complexion of the House of Commons should be altered in favor of the king. The first step in the new policy was the announcement that the ministry would no longer tolerate disobedience to the royal instructions; that the claim of the assemblies to discuss or limit the supplies demanded (a right claimed and enforced by parliament itself) would no longer be endured; and that in the future there would be no more requisitions by the king, but that the colonies would be taxed by parliament itself in its discretion. The first charge on the revenue thus raised in the colonies was to be the civil list, which would render all royal officers, governors, judges, independent of the assemblies as to their pay and emoluments, and would limit their tenure of office to the king's pleasure. To carry this scheme into effect, the colonial charters were to be annulled and a uniform system of government established. This does not appear in the journals of parliament, but was declared by Townshend on the floor of the House of Commons. As a natural corollary to such an arbitrary scheme, the revenues to be raised in America were to be secured by a rigid enforcement of the navigation laws, which, strict though they were in the text, had been invariably evaded or compromised in practice. The whole plan was to be enforced by the presence in America of a powerful standing army.

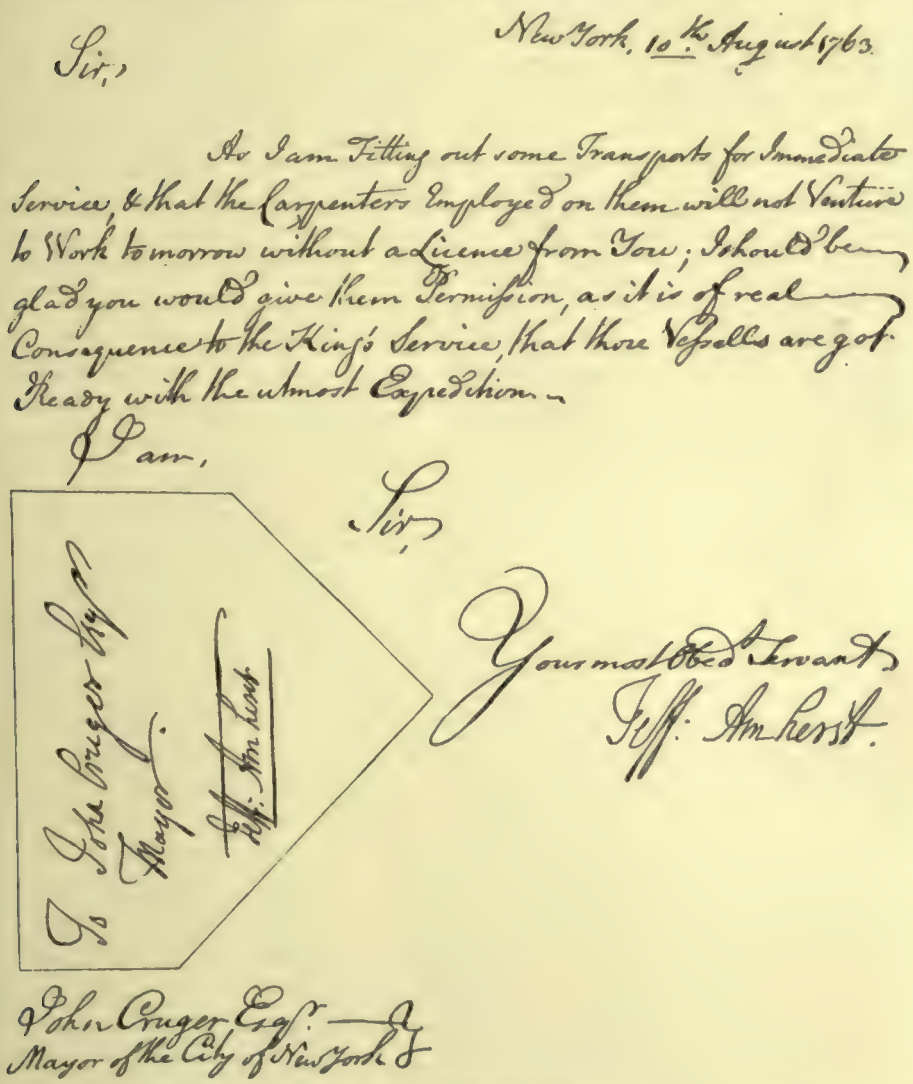
On March 9, 1763, Townshend introduced the first part of the scheme for taxing America by act of parliament. The supplies demanded for the first year of peace alarmed the House of Commons, and they were eager for any method of relief. It was shown that the duty on the trade of the American colonies with the French and Spanish West Indies was ineffectual because prohibitory; and in a general way that

the collection of a colonial revenue of two thousand pounds cost the customs department in Great Britain between seven and eight thousand a year. The fact was lost sight of that this difference passed into the pockets mainly of the government officers who held these sinecures. Indeed it may be here asserted that the system of British colonial government was a system of plunder by the officials of each home administration in turn. Townshend's plan was to reduce the duty, but rigidly to enforce its collection. Although the plan of an act further to raise revenue by stamps was at this time indubitably in the minds of the ministry (the amount to be raised to be sufficient to support the army establishment in America), it was not as yet declared. It was Grenville's share to bring forward a bill for the enforcement of the navigation laws, authorizing the employment of ships of the navy and turning its officers and seamen into customs authorities and informers.

These arrangements were supplemented by an act of parliament establishing a standing army in America. The Commons, Bancroft informs us, "listened with complacency to a plan which at the expense of the colonies would give twenty new places of colonels that might be filled by members of their own body." News reached the colonies in June to the effect that ten thousand men were to be employed on the American continent and the British West India islands, to be paid the first year by Great Britain, and every article of expense thereafter to be defrayed by the colonies. Pitt was present when the report of the committee was read, but made no opposition. He distrusted the continuance of the peace which he had opposed, and deplored that more troops had not been retained in service. There is no means of judging whether he misjudged or disregarded the effect of the act on the colonies.

This was the last important act of Bute's administration. In April the seals were given to George Grenville, and the administration of affairs fell into the hands of a triumvirate of which he was the head, as chancellor of the exchequer, while Egremont and Halifax were secretaries of state. Jenkinson, Bute's efficient assistant, became principal secretary of the treasury. The business of the session was pressed, the navigation act was signed and hurried into effect, and the tax bills laid over because of some local differences on home taxation. On the resignation of Townshend, and his chief, Lord Bute prompted by personal rivalry with Grenville, Shelburne was appointed first lord of trade, and to him Egremont, who still managed the affairs of the colonies as secretary of state for the southern department, applied for advice as to the government of the Canadas and other newly acquired territories, the amount and method of the military establishments in the colonies, and their several quotas of expense.

Meanwhile Grenville showed his disposition in an order to the commander-in-chief of the forces in America to withdraw the allowance for victualing the regiments stationed in the cultivated settlements in America. This charge was in the future to be met by the


New York, 10th August 1763
Sir,
As I am Fitting out some Transports for Immediate Service, & that the Carpenters Employed on them will not Venture to Work to morrow without a Licence from You; I should be glad you would give them Permission, as it is of real Consequence to the King's Service, that those Vessells are got Ready with the utmost Expedition.
I am,
Sir,
Your most Obed. Servt.
Jeffy. Amherst
To John Cruger Esqr.
Mayor
Jeffy. Amherst
John Cruger Esqr.
Mayor of the City of New York

THE AMHERST LETTER.

colonies, and thus on both sides of the water the issue was closing. Attorney-General Murray proposed to make a military colony of Canada, and to include the West in its jurisdiction: a plan by which the older colonies would be overawed. But Shelburne, perhaps foreseeing in this an expensive military system the charges of which could in no manner be laid on the colonies, preferred a restriction of the

government of Canada within more narrow limits; and his plan, in spite of the opposition of Egremont, for the time prevailed. Nor yet was Shelburne willing to declare himself in favor of any plan for taxing America.

The king soon wearied of the inefficiency of the triumvirate, and, much to the disgust and mortification of Grenville, but in conformity with the views of Bute, invited Lord Hardwicke to enter the cabinet as president of the council. That illustrious man declining unless his friends came in with him, Pitt was again called upon to form a ministry, but consented only on terms which the king would not accept. Pitt stood by his friends and his principles as stoutly as the king on his pride and his prerogative. The issue of the political dilemma was the union of Grenville and the Duke of Bedford, who was at odds with all but his own faction. The union, said Pitt, was a "treaty of connivance." But the union proved more compact than was supposed; and one element of discord was taken from it by the withdrawal of Lord Shelburne, who was too much of a friend of Pitt and of liberty to support the extreme views held by Grenville as to colonial government. The details of American administration now fell to Halifax, whose experience was large, and the new measures were rapidly brought forward. On the morning of September 22, 1763, three lords of the treasury, with George Grenville at their head, held a meeting at their council-board in Downing street, and adopted a minute directing Jenkinson, the first secretary of the treasury, to "write to the Commissioners of the Stamp Duties to prepare the draft of a bill to be presented to Parliament for extending the stamp duties to the colonies." This order was at once executed. Mr. Bancroft, in his account of this period, asks the question, "Who was the author of the American Stamp Act?" Jenkinson said later in the House of Commons that "if the Stamp Act was a good measure the merit of it was not due to Grenville; if it was a bad one the ill policy did not belong to him." But he never informed the house, nor indeed any one else during his life, who was its author. Bancroft relieves Bute from the charge; but Lord North, who supported the act, said in the House of Commons that he took the propriety of passing it from Grenville's authority. In point of fact, the first proposition to tax the colonies by means of stamped paper was made by Lieutenant-Governor

OLD BLUE BELL TAVERN.

Clarke of New-York, in 1744, to the lords of trade; but Governor Clinton, in a letter to the Duke of Newcastle on December 13 of that year, doubted the expediency of the measure, as being contrary to the spirit of the people, "who are quite strangers to any duty but such as they raise themselves." This was the first overture to the home government; but it appears that Governor Cosby had suggested in 1743 to the assembly of the province "a duty upon paper to be used in the law and in all conveyances and deeds of every denomination." This is quite a different matter from the imposition of a general stamp act by the British home government.

Whatever the responsibility of Grenville in the matter of originating the stamp act, certain it is that to him must be ascribed the alienation of the affections of the American colonies from the mother-country. He never swerved from his determination to impose a tax through parliament, and to enforce its collection by all the forces at the disposal of the administration. Severe as was the injury to American trade caused by the stringent enforcement of the navigation acts, which checked the lucrative commerce with the West India Islands,—the natural outlet for New England lumber and the product of the fisheries,—the colonists submitted without more than a murmur. They saw in these legislative acts no infringement of their rights. If the burden were onerous, they found their compensation in their relief from the charges of border protection against the power of France. Though among the far-sighted leaders there were a few who doubted the wisdom of a close connection with Great Britain, and a still smaller number who already looked to and foresaw independence, the mass of the people were still loyal.

Grenville's proposal, made on March 9, to draw a revenue from America by stamps, and his notice that a bill would be introduced at the next session, crystallized public opinion on both sides of the ocean. On his challenging the opposition in the Commons to deny the right of parliament, no voice was lifted in reply, and the next day it was resolved that such right existed and that its exercise was proper. It is true that the house was thin and the hour late, and that the declaration of the minister was only of intention. Moreover, Grenville expressly stated that he was "not absolutely wedded to a Stamp Act if the colonies would provide some more satisfactory plan." A letter from London published in the "New-York Mercury" of June 4 states that the "well wishers of America have used their utmost endeavors to lessen the taxes first proposed; in which they have in a measure partially succeeded and in other respects fallen short of what they attempted. In regard to the 15th resolution relating to the Stamp duty it will certainly pass next session unless the Americans offer a more certain duty. . . . All the well wishers of America are of the

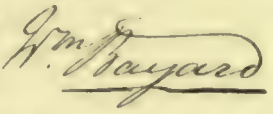
opinion that as the Tax in itself is an equitable act and the least injurious that can be proposed, the several Assemblies should signify their assent to that Tax under the present exigencies of the State and the necessity of the case, by which they avoid any appearance of an infringement of their liberty and show their inclination to pay obedience to the British Parliament, which has the power to make every part of its dominions submit to such laws as they may think proper to make; by this means they will prevent a precedent from internal taxes being imposed without their consent, which will inevitably be the case next Session if they withhold their assent from the Stamp Act." From this same London letter it appears that the act would have been forced through the Commons without delay but for the remonstrances of Chief Justice William Allen of Pennsylvania, who was then in England, and personally intervened with the leaders of the Commons.[1]

But if the crystallization of opinion in England united all parties, including the friends of America, in defense of the right of parliament to impose taxes on the colonies, that same process united all parties in America in the denial of that right, and in the assertion of the doctrine which had been claimed in the New-York colony since 1683, that taxation without representation was a wrong and an injustice to which no freeman would submit. Nor yet, in view of the menace of the twenty regiments of British soldiers to be sent over and quartered in the chief cities, were they willing to avoid the issue or postpone it by assenting in advance to the proposed act, as was suggested by their "well wishers" abroad. There was still a faint hope that by earnest representation of the agents of the colonies abroad and by respectful petition to the king and parliament the blow might be averted.

The assembly of New-York was the first to petition the king and parliament in a respectful representation, on October 18, 1764. After a declaration of inviolable fidelity, they recited "that in the three branches of the political frame of Government established in the year 1683, viz., the Governor, a Council of the Royal appointment, and the representatives of the People, was lodged the legislative authority of the Colony, and particularly the power of taxing its inhabitants for the support of the Government; that the people of the Colony consider themselves in a state of perfect equality with their fellow-subjects in Great Britain, and as a political body enjoying like the inhabitants of that country the exclusive right of taxing themselves; a right which whether inherent in the people or sprung from any other source has received the Royal Sanction, is at the basis of our Colony State, and

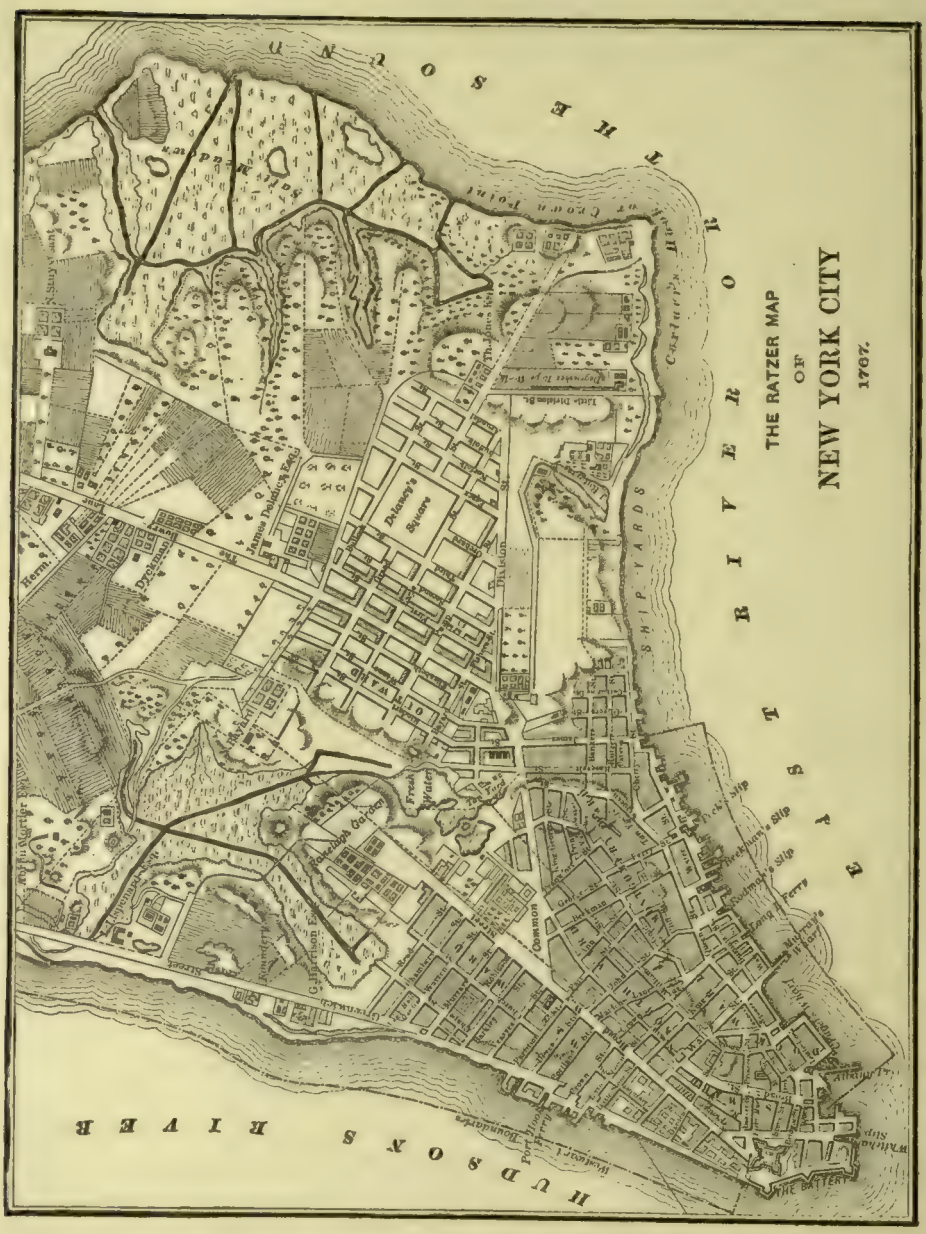
[1] This was the William Allen whose wife was a daughter of Andrew Hamilton, of Pennsylvania, the famous advocate who defended the printer Zenger in the great trial (mentioned in a previous chapter) which established the freedom of the press in the New-York province.

become venerable by long usage; that the Representatives for the Colony of New-York cannot therefore without the strongest demonstrations of grief express their sentiments on the late intimation of a design to impose taxes on the Colonies by laws to be passed in Great Britain and they invite the King to interpose his prerogative on the unconstitutional law." On the same day, and by the same resolution in which the transmission of these memorials was ordered, the assembly created a committee to correspond with the several assemblies on the American continent upon the several objectionable acts of parliament lately passed with relation to the trade of the northern colonies, and also on the subject "of the impending dangers which threaten the Colonies of being taxed by laws to be passed in Great Britain." William Bayard, a member of this committee of correspondence, visited Boston to confer with the Massachusetts assembly, which on the 22d of the same month adopted a petition in the same direction but less vigorous in text and spirit. These documents were transmitted through the foreign agents of the colonies to the Board of Trade at London, and were laid before the privy council on December 11 following. The privy council advised the king to order that they be laid before parliament. Whether of his own motion or by the advice of others is not now known, but they were never placed before parliament: they were suppressed.



Early in the year 1765 Grenville introduced his bill into the House of Commons. It contained fifty-five articles relating to stamp duties in America, and passed the house on February 7. Previous to its passage the American agents were advised that if the colonies would propose any other means of raising the required revenue the stamp duty would be deferred or laid aside. To this they had no authority to make answer. The bill was approved by the House of Lords in March, without debate, and on March 22 received the king's signature. Though not authorized to submit any substitute for the obnoxious act, the agents were not remiss in their opposition. They went to the House of Commons with petitions and protests, but no one of that body could be found who would present a petition impugning the right of parliament; no one even of the opposition, no one even of those immediately interested in the affairs of the colonies, would support their agents in urging this point.

The news of the passage of the act reached New-York in April, and aroused a storm of indignation—a storm tempered by the consoling information that there was a large body in England whose sympathies were with the colonies. The English advices of May brought word that "without doors we hear every person at all qualified to form any judgment of the matter seemed in favor of the Colonies." When the



news reached New-York, the assembly was in recess. In Virginia the House of Burgesses was sitting. On May 29 they replied with a series of resolutions, firm in expression, declaratory of their rights and of the unconstitutionality of the measure. It was during the debate on this occasion that Patrick Henry used the memorable words which electrified the continent and in their bold utterance sufficed to make his name immortal. The people of Pennsylvania showed themselves no less jealous of their rights. On April 14 the great guns at the

fort and those at the barracks in New-York were spiked: a sufficient declaration of the popular temper. And now each incoming packet brought accounts of the growing strength of a sentiment in England in favor of the bold attitude of the colonies. The news arrived of the stirring words of Colonel Barré, the brave companion of Wolfe at the capture of Quebec, in answer to the assumption of Townshend that the colonists were "children of England's planting." "The Americans are Sons of Liberty," retorted Barré in a tone which shook the house.

In comment on this and declarations similar in nature if less vigorous in expression, the press of the colonies took up the phrase. On May 30 the author of the "Sentinel" series of letters in the "New-York Gazette" took Liberty as his text. Interspersed among the didactic phrases which were the fashion of the day are some strong, homely sentiments. "In proportion as Liberty is precious to us should we hold them dear who lift up their hands in defence of it and abhor those who impiously dare attempt to rend it from us." It closed with some verses more patriotic than poetical, but which are a fair sample of the popular rhyme of the period:

> Cursed be the man who e'er shall raise
> His sacrilegious hand
> To drive fair liberty, our praise!
> From his own native land.
>
> O may his memory never die,
> By future ages curst;
> But live to lasting infamy,
> Branded of traytors worst.

The "New-York Gazette and Weekly Post Boy" was edited by John Holt, a consistent friend of America, and from this time forward was the acknowledged organ of the advanced patriots. Colden complained of it to Monckton, then absent from his government, as "a licentious, abusive, weekly printed paper." And later he charged it to the board of trade as "filled with the vilest and most abusive invectives which malice could invent," in order to render himself, as lieutenant-governor, odious to the people; and he added, it is "universally believed that these scurrilous abusive and malicious papers [the articles of "Sentinel"] were written by two or three distinguished lawyers in the city." These could have been no other than Livingston, John Morin Scott, and Smith. But in style they are not worthy of such high source, though the inspiration may have been theirs.

The history of revolutions shows the power of a phrase. That of Barré struck the strongest chord in the colonial heart. Associations sprung up instantly in every colony under the magic name of Sons of

Liberty. The word independence was not as yet breathed aloud, but that the idea was already in the germ appears from a London letter of February 18, 1765, published in Charleston, South Carolina, on April 24, and repeated in New-York in May: "Several publications from North America have lately made their appearance here [London] in which the independency of the Colonies is asserted in pretty round terms." Dawson, in his valuable tract on the Sons of Liberty, claims that the New-York Association of the Sons of Liberty had existed since 1744, when the profession of the law entered into an association to free the judiciary from the exercise of the king's prerogative; and Colden, who is Dawson's authority for this part of his assertion, in a letter to the Earl of Halifax, February 22, 1765, complains of "the dangerous influence which the profession of the law has obtained in this province, and that by their association they proposed nothing less to themselves than to obtain the direction of all measures of government by making themselves absolutely necessary to every governor by assisting him when he complied with their measures, and by resisting him when he did otherwise." He closed the complaint by saying: "Their power is greatly strengthened by enlarging the powers of the popular side of government and by depreciating the powers of the crown." He added that he had never received the least opposition in his administration except when he opposed the views of this faction.

This faction, as Colden terms it, was led in the beginning by the great jurists James Alexander and William Smith the elder, whose mantle of judicial and popular leadership had fallen in the next generation upon William Livingston, William Smith the younger, and John Morin Scott; the last named of whom was already in close touch with the liberal or what Colden would have called the malcontent element. These three gentlemen, whom Jones styles the young triumvirate, were educated at Yale College; they "served regular clerkships to the law in the same office at the same time and under the wings and guidance of William Smith the elder, were all at this time Presbyterians by profession and republicans in principle." Determined as early as 1752 to pull down church and state, continues Jones, in his savage anathema, and to raise their own government and religion upon its ruins, the triumvirate formed a club, under the appellation of the Whig Club, which met once in each week at the popular tavern of the King's Arms.[1]

[1] Contemporary authority places the tavern under this sign in Broad street near the Long Bridge, under the management of Richard Cooke in 1750. In 1754 the sign was hanging at the same place, then described as opposite the Royal Exchange. In 1757 the tavern kept by Cooke appears in the public prints as the Gentlemen's Exchange Coffee House. This building was on the northeast corner of Broad and Dock (now Pearl) streets, opposite the well-known Fraunces' Tavern, and was pulled down in 1890. In 1764 the old sign was carried by Edward Barden to the upper end of Broadway, facing the Commons. The King's Arms was evidently the great Whig resort.

At this Whig Club, says Jones also, the usual and customary toasts drunk were "the immortal memory of Oliver Cromwell, of Hugh Peters, of General Ludlow," and others of the regicides. They had an organ in the "Independent Reflector." Returning to Dawson's assertion that the Sons of Liberty were identical with or the continuation of the association ruled by the triumvirate of the previous decade, it will be found difficult to accept this statement. There was nothing violent or revolutionary in the characters of either Livingston or Smith. Their interests lay with the large proprietor and conservative class. They were moderate men, sage of counsel, deliberate in action. Neither in temperament nor in character were they at all akin to Scott or McDougall, who later led the advance-guard of the opposition and who were from the outset the moving and aggressive spirits of the Sons of Liberty.

Arch^d Ludlie
looks Guy

From an early date (1760) there had been a resolute resistance by the seamen of the colonies to the nefarious practice of impressment from the market and wood boats, and from the merchantmen which visited our harbors, nowhere more determined than at the port of New-York.[1] In 1764 four fishermen were pressed from their vessels and carried on board a tender from a man-of-war on the Halifax station. Next day, the captain of the tender venturing on shore, the boat was suddenly seized and dragged through the streets to the middle of the green in the Fields (City Hall Park), where it was burned and destroyed. Meanwhile the captain was escorted quietly to the coffee-house which stood on the southwest corner of Wall and Queen (later Water) streets, where he disclaimed all responsibility for the seizure and gave an order for the release of the fishermen. From the suddenness of the appearance, the orderly determination, and the equally sudden disappearance of the crowd or mob or gathering, which are noted in the recital of this affair, Dawson claims, and not unfairly, that they were an organized body; "minute men," he calls them. But the Sons of Liberty was an institution of a more permanent character and a

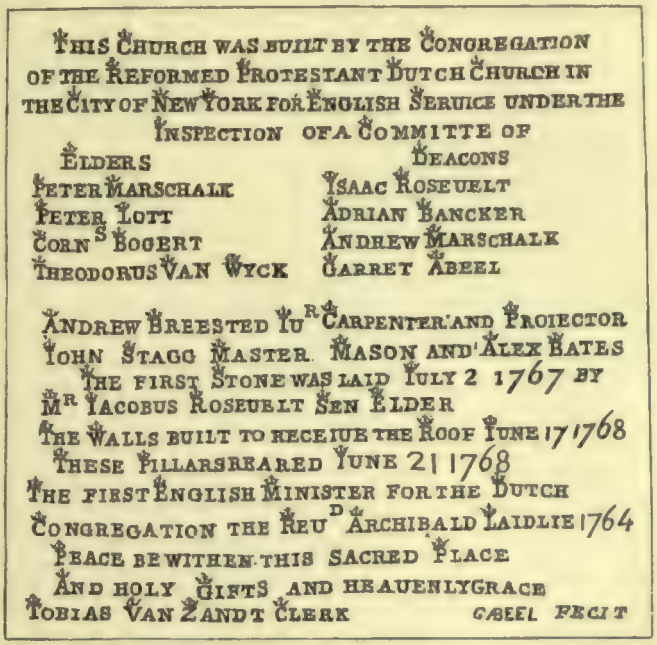
[1] In that year the crew of the Samson of Bristol refused to obey the signal-guns of H. M. S. Winchester to bring to; and, firing upon the man-of-war's barge on attempting to board her, a number of men were killed. The Samson fortunately got into harbor, and the men escaped; the people protecting and concealing them from the reach of the sheriff and the detachment of militia ordered to his assistance.

more defined organization than can be discerned in the ephemeral actions cited.

The articles of "Sentinel," mentioned above, began on February 28, 1765. According to Sedgwick they were commenced by William Livingston. "There is no number of these essays exclusively devoted to the subject of the Stamp Act, the opposition to which was now rapidly drawing to a head," says the same authority. But the first response to the note raised by Barré was sounded by this same "Sentinel," and it became the rallying-cry of the body of the people, the mechanics and seamen of the New-York colony. It is not unfair to suppose that as the hour of direct conflict drew on, a people accustomed to concerted action should have consulted together, listened to the advice of such trusted chiefs as John Morin Scott and Alexander McDougall, and placed themselves in communication with their friends in the eastern and middle colonies. The contrary would be strange. In the months of June and July news arrived of the appointment of stamp agents for the several colonies, and of the official announcement that the act would be enforced on November 1. As the sentiment of resistance was general, a concert of action by the several colonies was a natural corollary. Priority in a demand so universal cannot be safely claimed, nor yet to which individual in the several committees of correspondence the credit of suggesting it is due. The House of Representatives of the Massachusetts Bay brought the subject to a focus by agreeing to a committee of representatives or of burgesses on the condition of the colonies, to consider of a dutiful, loyal, and humble representation to his Majesty and parliament for relief. This meeting was set for the first Tuesday in October, and New-York was designated as the place of assemblage.

New-York was naturally selected for the place of meeting as the most convenient because it was the geographical, political, and commercial center of the colonies, accessible by water as by land. It must not be forgotten that every one of the original thirteen colonies was a seaboard settlement: each with a seaport of its own; each with its direct communication with England for commerce, and each with some coastwise trade; each independent, and jealous of its independence of the others; and each loyal in its own measure to the parent government, as its own interests were consulted in the enforcement or the relaxation of the laws of trade. While each, therefore, might have stood ready to take its chances against its neighbors, even under their onerous exactions, the idea of a danger which they must suffer or avert in common naturally brought them together, and there was no thought of local jealousy when New-York was chosen as the meeting-place for the most important assemblage known in their history. New-York was the natural center of influence. Her geographical posi-

tion, midway between the more populous settlements to the eastward and southward, which the broad Hudson and the great bay at its mouth divided, was the natural key to the continent. The exposed situation of her northern border to French and Indian invasion had been a concern at all times to all the colonies. Upon her safety hung the entire system of English settlements. "Whatever happens in this place," wrote Colden to Secretary Conway, "has the greatest influence in the other colonies. They have their eyes perpetually upon it, and they govern themselves accordingly." Moreover, no colony was in such direct sympathy with England. It must be remembered that it was an English conquest, not an English colonial settlement, and as such was more in touch with the ideas of the England of that day than its neighbors of New England or of Pennsylvania. New-York was a purely commercial city whose life was English trade; most of her merchants were Britons born or in close relation with their kindred across the sea. Favored beyond any of the provincial cities by its climate, the charm of its natural scenery, the variety and abundance of food, native and tropical, of water and land supply, and already the seat of a thriving trade, it was the coveted post of British officials. Here they found church and state very much as at home; a wealthy class whose manners and habits were formed on the easy home pattern, whose residences and tables compared with any of those even of the richest English gentry, and whose native British roughness had been tempered by a reasonable infusion of Dutch and Huguenot blood. As previous chapters have shown, one after another of the connections of royalty and of the high nobility of the kingdom had sought office in the New-York province, and not a few of these, or of the officers of the army and navy, had formed closer ties with their American cousins by mar-


THIS CHURCH WAS BUILT BY THE CONGREGATION
OF THE REFORMED PROTESTANT DUTCH CHURCH IN
THE CITY OF NEW YORK FOR ENGLISH SERVICE UNDER THE
INSPECTION OF A COMMITTE OF

ELDERS	DEACONS
PETER MARSCHALK	ISAAC ROSEVELT
PETER LOTT	ADRIAN BANCKER
CORN^S BOGERT	ANDREW MARSCHALK
THEODORUS VAN WYCK	GARRET ABEEL

ANDREW BREESTED 1U^R CARPENTER AND PROIECTOR
IOHN STAGG MASTER MASON AND ALEX BATES
THE FIRST STONE WAS LAID IULY 2 1767 BY
M^R IACOBUS ROSEVELT SEN ELDER
THE WALLS BUILT TO RECEIVE THE ROOF IUNE 17 1768
THESE PILLARS REARED IUNE 21 1768
THE FIRST ENGLISH MINISTER FOR THE DUTCH
CONGREGATION THE REV^D ARCHIBALD LAIDLIE 1764
PEACE BE WITHEN THIS SACRED PLACE
AND HOLY GIFTS AND HEAVENLY GRACE
TOBIAS VAN ZANDT CLERK CÆEL FECIT

DUTCH CHURCH INSCRIPTION, 1769.

riage with the daughters of the opulent magnates. Communication with home was constant by the well-appointed packets, and in almost every journal of the day notice may be found of "gentlemen intending for England," or of the return of some well-known traveler. New-York was therefore the natural choice for the meeting of the colonial committee.

THE NORTH DUTCH CHURCH, 1769.

It may be stated here that the colonies were as conscious of their power as of their rights. The white male population between sixteen and sixty years of age of the entire territory was estimated at the time at three hundred thousand: a force, when combined, quite sufficient for any and all purposes of defense against any enemy from across the sea. The right of petition has always been jealously guarded as the dearest of popular rights; the right of complaint of the governed to the authorities who govern, no matter under what form. Hence the suppression of the petition from the New-York and Massachusetts assemblies by the privy council of the king was looked upon as a serious outrage and a dangerous infringement of their rights. Such a thing would not have been attempted in case of a petition from Englishmen, and the colonists met the indignity with impatient alarm. They were not of a spirit to brook the idea of inferiority to the parent race. They awaited the action of the governors with anxiety, and the hope was publicly expressed "that neither the governor of Virginia nor any other governor on the continent would think the proposed Congress so improper a step as to dissolve the assemblies to prevent it"; and that there might be no question as to the right, it was added "that their Excellencies and Honours cannot be thought altogether unacquainted with the Act of Parliament made immediately after the glorious revolution, which declares it is the right of the subject to petition the King, and that Parliament sits for the redress of grievances."

At first the people seemed hardly to comprehend the gravity of the blow struck at their liberties. Colden wrote on the 27th of April to the Earl of Halifax that "this Government continues in perfect tranquillity, notwithstanding the continued efforts of a faction to raise discontent in the minds of the people and disorder in consequence of it. . . . No illicit trade has been discovered of late." And in May he

wrote to Monckton that "the gentlemen of the law seem to have placed the chief stress of their cause in raising public clamour. Notwithstanding of this, I am fully persuaded the People of this Province will quietly submit to the Kings determination, whatever it be. By the care that I have taken that no reply be made to a licentious, abusive, weekly printed paper, the administration is restored to its usual tranquillity, and I hope it will continue to." On the last day of the month he writes again to the Earl of Halifax that "the administration of government continues in its usual tranquillity." But the gentlemen of the law, as he knew them, anxious for the liberties of the colony as the lieutenant-governor for the prerogative of the king, were not idle, and the tranquillity on which Colden plumed himself was the calm which precedes the storm.

John Morin Scott, in three masterly papers which appeared in "the licentious sheet" (Holt's "New-York Gazette," the liberal organ) on June 6, 13, and 27, under the signature of "Freeman," startled the people to the consequence of non-resistance, against which Livingston had entered his warning ten years before. Bancroft seems uncertain as to the authorship of these letters of "Freeman." He agrees that Scott seems most likely to have written them. But Dawson has no hesitation in his ascription of them to Scott, though he gives no authority. Bancroft makes frequent quotations from their significant passages. "It is not the tax," said he, "it is the unconstitutional manner of imposing it, that is the great subject of uneasiness to the colonies." He charged that "the taxation of America is arbitrary and tyrannical, and what the Parliament of England had no right to impose"; and further, drawing his conclusions from his close premises, he says, "If then the interest of the Mother Country and her Colonies can not be made to coincide, if the same Constitution may not take place in both, if the welfare of the Mother Country necessarily requires a sacrifice of the most valuable natural rights of the Colonies: their right of making their own laws and disposing of their property by representation of their own choosing — if such is really the case between Great Britain and her Colonies, then the connection between them ought to cease; and sooner or later it must inevitably cease. The English Government cannot long act towards a part of its dominions upon principles diametrically opposed to its own without losing itself in the slavery it would impose upon the Colonies or learning from them to throw it off and assert their freedom. There never can be a disposition in the Colonies to break off their connection with the Mother Country so long as they are permitted to have the full enjoyment of those rights to which the English Constitution entitles them. . . . They desire no more; nor yet can they be satisfied with less." In his text Scott called this the "Land of Liberty." This bold assertion of

the rights, this bold declaration of the intentions of the Americans, was "caught up," says Bancroft, by the impatient colonies, and formed part of the instruction of South Carolina to her agent in England. The situation at this time is thus summed up: "Virginia marshalled resistance; Massachusetts entreated Union; New-York pointed to independence." So says Bancroft. In fact, however, the first resistance came from New-York; the first idea of union was formulated in New-York, and in New-York independence was the early ultimatum. And while the thoughtful were thus addressed through the press, the streets abounded in pamphlets and squibs, and the stamp act itself was hawked about as "The folly of England and the ruin of America."

As the summer waned the popular indignation waxed stronger. On the morning of August 14 two effigies were seen suspended from a branch of the Great Tree, one of the large elms on Hanover Square, in the town of Boston. One was labeled "Distributor of Stamps." After hanging all day they were toward evening cut down and carried in procession to a building newly erected and belonging to Mr. Oliver, the stamp officer for the Massachusetts province, which was sacked and destroyed. Mr. Oliver took the warning, and the next morning resigned his office. This example was followed in the other colonies. Ingersoll at New Haven engaged to reship the stamps or leave them to the disposal of the people. Later he was hanged in effigy at Norwich. Johnston at Newport was burned in effigy, and resigned. Coxe in New Jersey, unable to hire an office, threw up his commission. Colden's letter to Sir William Johnson is authority for the action taken in New-York. "Yesterday, August 30th, James McEvers (who had accepted the office of Distributor of Stamps and entered into bonds) sent me his resignation of the office being terrified by the sufferings and ill usage the Stamp Officer met with in Boston and the threats he has received at New-York." Still Colden had hopes to be able to defeat the measures of the patriots and to deliver the stamps. In the very letter above quoted he says, "I shall not be intimidated." On September 2 Colden asked General Gage for a military force to protect the government, and suggested the ordering to the city of the nearest battalion available; and the next day urged Captain Kennedy, commander of H. M. S. Coventry, to watch the incoming vessels and protect that on which the stamps might be.

On August 26 there was a great riot in Boston, when several buildings, including that of the lieutenant-governor, were injured; yet, but a few days before, the anniversary of the birthday of the Prince of Wales was celebrated, as the journals reported, with great demonstrations of joy and with marks of unfeigned loyalty. The "New-York Gazette" makes no mention of any similar exercises here. In September, Hood, the stamp-master for Maryland, was driven from

Annapolis and took refuge in New-York. He took lodgings at the Kings Arms Tavern, but, learning that the people of the city were about to force a resignation from him, he applied to Colden and received quarters in Fort George, which on the 14th he described as "crowded with men and military stores." The similarity of these events in the several colonies justifies Colden's expression to Conway that a secret correspondence had been carried on throughout all the colonies; and that "it has been concerted to deter by violence the Distributors of Stamps from executing their office and to destroy the Stamped paper, when it arrived."

In September the idea of union took definite shape. A broadside entitled the "Constitutional Courant," secretly printed in New Jersey, was widely circulated in New-York, and later reprinted here and in Boston. It bore as a head-piece the device of a snake cut in parts to represent the colonies, with the motto "Unite or die," the familiar symbol used by Dr. Franklin in his "Pennsylvania Gazette," in 1754, to arouse the colonies to the danger of the French invasion. Copies of the "Courant" were handed about the streets of New-York by Lawrence Sweeny, an eccentric character, better known by his sobriquet of "Bloody News," from his familiar cry announcing the army news during the sanguinary French war. When asked by Colden where he obtained the paper, he humorously answered, "From Peter Hasenkliver's iron-works,[1] please Your Honor." The next day the "Courant" took up the joke, and gravely announced that it was there printed. Colden sent a copy of it to Secretary Conway, and advised him that bundles of them had been delivered by James Parker, secretary to the general post-office in North America, by whom it was believed to have been printed, and that it had been distributed along the post-roads by the post-riders. Songs were written for the Sons of Liberty. The temper of the city was so high that even Colden wrote to the home government that he agreed with the gentlemen of the council that it was not a proper time to prosecute the printers and publishers of the seditious papers. Indeed, the attorney-general had told him that he did not think himself safe to command any such prosecution.

During this exciting period General Monckton remained in London, and was kept well informed of events as they happened on this side of the water. Like his companion at Quebec, Colonel Barré, he was not

[1] Peter Hasenkliver was an enterprising character about the middle of the eighteenth century. He established the iron-works in East Jersey. The property is now owned and occupied by ex-Mayor Abram S. Hewitt.

in favor of the oppressive measures. In time he formally resigned, and Sir Henry Moore was appointed to succeed him in the New-York government. Those acquainted with Moore's character, public and private, were pleased with the appointment. He had served the crown as governor of Jamaica, and was knighted for his conduct in the suppression of an insurrection of the slaves in that island. But such sagacious men as Monckton's friend, John Watts, doubted the wisdom of the appointment. "The Northern Colonies," he wrote, "have always considered the planters of the Southern their enemies from self-interest, and if ever there is the least occasion, will be more uneasy under such ruler whose heart naturally will be where his treasure is, than under a person they judge unprejudiced and disinterested." As September drew to a close, Colden seems to have grown somewhat uneasy, and wrote to the new governor that nothing could give him more pleasure than his presence in the city. Watts describes him as terrified at the mobs which now ruled the town, and the fort as armed beyond what it had ever been before: "howitzers on the curtains, cannon facing the gates and the Broadway, as if Montcalm was at King's Bridge." So full was Fort George that Colden wrote to Governor Franklin of Pennsylvania, who had asked a lodgment for the stamps for that province in the fort, that there was no place for them but in the governor's house, and recommended that they be put on one of the king's frigates in port. His own arrangements he thus describes: "I desired the Captains of His Majesty's Ships of War now in the river to protect the ship in which they should come. For this purpose a sloop was placed at Sandy Hook and a frigate midway between that and this place, while the Coventry lay before the town."

Early in the month news had reached the colonies of a change in the ministry. There was great rejoicing in Boston. The great elms venerated for their antiquity were decorated with the emblems of England, the colors embroidered with mottos; and, with cheers and military salutes, a copperplate on which was stamped in golden letters the legend, "The Tree of Liberty, August 14, 1765," was placed on the tree where the effigies had hung on that day. This appears to have been the first liberty tree, but the custom of stripping a tall tree of all but its topmost branches, beneath which the national standard waves, has not yet died out in the villages of the country.

The stamped paper now began to arrive; the first instalment, destined for New Hampshire, reached Boston early in September. A few days later a ship arrived in Boston with fourteen boxes, but was compelled to seek safety under the guns of the castle and in the guard of

a sloop of war and a cutter. Those for Philadelphia arrived on October 5. The ship lay off Newcastle on the Delaware, under similar protection. As it rounded Gloucester Point the colors of the vessels in the harbors were lowered to half-mast, and the bells of the city were tolled. A mass-meeting was held, and Hughes, the stamp-master, compelled to engage that he would not execute the office.

The delegates to the congress—the "Stamp Act Congress," as it is known in history—began to arrive in New-York early in October. The first was the committee from South Carolina. When the question of its appointment came up in the assembly, says Ramsey, it was thus ridiculed by a humorous member: "If you agree to the proposition of composing a Congress of deputies from the different British Colonies, what kind of a dish will you make? New England will throw in fish and onions; the Middle States, flax-seed and flour; Maryland and Virginia will add tobacco; North Carolina, pitch, tar, and turpentine; South Carolina, rice and Indigo; and Georgia will sprinkle the whole composition with saw dust. Such an absurd jumble will you make if you attempt to form a union among such discordant materials as the thirteen British provinces." To which a country member retorted: "He would not choose the gentleman who made the objections for his cook, but, nevertheless, he would venture to assert that if the colonies proceeded judiciously in the appointment of deputies to a Continental Congress, they would prepare a dish fit to be presented to any crowned head in Europe." On Monday, October 7, the congress met in the City Hall. There were present delegates from nine colonies, viz.: Massachusetts Bay, Rhode Island and Providence plantations, Connecticut, New-York, New Jersey, Pennsylvania, the government of the counties of Newcastle, Kent, and Suffolk upon Delaware, Maryland, and South Carolina. Of these only six were duly authorized committees appointed by the legislatures within the terms of the call. As the New-York assembly had not been in session for a long period, the committee of correspondence chosen at its last session was admitted to represent the province. These were John Cruger, Robert R. Livingston, Philip Livingston, William Bayard, and Leonard Lispenard—an able and fearless body. The South Carolina and Connecticut delegates were restricted in their action by their assemblies. Virginia and North Carolina were not represented; their assemblies having been prorogued by the governors. The Georgia assembly were enjoined by their governor from sending a committee. New Hampshire wrote that they were not in a position to send delegates. Among the twenty-eight members who appeared were many whose names were familiar throughout the colonies: Cruger and the Livingstons of New-York, Otis of Massachusetts, Johnson of Connecticut, Dickinson of Pennsylvania, McKeon from Delaware, Gadsden

and Rutledge from South Carolina—all historic names. Ruggles of Massachusetts, who had commanded a brigade in the late French war, was chosen chairman. The sessions were secret, and the journal printed later is extremely meager in the details of their proceedings. It would seem that they named a committee to draft a declaration of rights and grievances, and then adjourned. They met finally on October 19, and, after mature deliberation, agreed on this document. The authorship of the declaration has been usually ascribed to John Cruger. It has also been claimed for John Dickinson. It is an able and fearless paper, of which any one of the great men named might have been proud. Committees were then appointed—one to draft an address to the king; another, a memorial to the lords; a third, a petition to the House of Commons. On the 21st, 22d, and 23d these addresses were adopted. On the 24th the colonies were requested to appoint special agents to solicit relief. When the business was completed, Ruggles, who had presided over the several meetings, refused to sign the petitions "as against his conscience." All the others, however, except Ogden of New Jersey, unhesitatingly subscribed their names. The congress, after engaging themselves not to make public their petitions until they were presented, adjourned on the afternoon of Friday, October 28. They separated after an affectionate leave-taking, most of them setting out at once for home. Ruggles had left the previous day. Colden was greatly disgusted with these proceedings. To the Boston committee, who waited courteously upon him on their arrival, he gave a cold reception, and told them that the meeting of the commissioners was unconstitutional, unprecedented, and unlawful, and that he could give them no kind of countenance or encouragement. He hardly mentions the subject in his letters to the home government, confining himself to announcing their arrival, and disclaiming any knowledge of what they were doing or designed to do.

Jas Alexander[1]

Meanwhile the people were in council as to some means of forcing the merchants of Great Britain to take up their quarrel or redress

[1] The portrait of James Alexander and that of his wife are from the originals, attributed to Copley, in the possession of Mrs. Archibald Russell of New-York. EDITOR.

their wrongs.[1] The notice was short and the attendance small, and it appears that entire harmony did not prevail, John Morin Scott and Isaac Sears exchanging high words; and there was a disagreement as to measures. However this may be, a second and larger meeting was held at Burns's Long Room at the City Arms, the tavern bearing that sign standing on the corner of Thames street and Broadway, the site of the present Boreel building. The call appeared in the "Gazette" of October 31, and was addressed to the gentlemen merchants of the city. The purpose was declared to be to fall upon such methods as they shall then think most advisable for their reciprocal interests. Gentlemen who had their country's good and their posterity's interest at heart were desired to attend. The meeting was called for four o'clock of the same afternoon. It was both large and enthusiastic. Resolutions were adopted and subscribed to by upward of two hundred of the principal merchants, as follows: 1st, to accompany all orders to Great Britain for goods or merchandise of any nature, kind, or quality whatever, with instructions that they be not shipped unless the stamp act be repealed; 2d, to countermand all outstanding orders unless on the condition mentioned in the foregoing resolution; 3d, not to vend any goods sent on commission and shipped after January 1 succeeding, unless upon the same condition. In consequence of these resolutions the retailers of goods signed a paper obliging themselves not to buy any goods, wares, or merchandise after January 1 unless the stamp act were repealed.

This was the first of the famous non-importation agreements, the great commercial measure of defense against Great Britain. It plunged friends and foes alike into the deepest distress, but it taught the colonies the extent of their own resources. It laid the foundation of American manufactures. The honor of this movement belongs to New-York. It was followed by Philadelphia, on November 7, and by Boston on December 3. The Philadelphia resolutions, an elaboration of those of New-York, were made public in the journals of November 14, the first issue after their adoption. So general was the acquiescence of the merchants in this movement that it was estimated in November that the value of goods countermanded was over seven hundred thousand pounds sterling. A market for all kinds of home manufactures was opened under the Exchange in Broad street, and the people were exhorted to consume no foreign goods. The "New-York Gazette" printed in large type: "It is better to wear a homespun coat than lose our liberty." The principal gentlemen in the

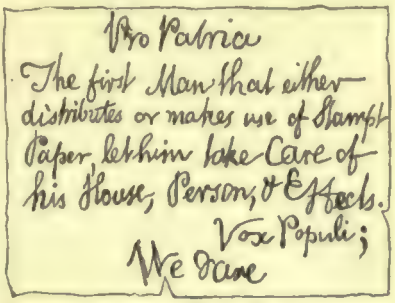
[1] A meeting was called for Friday, October 28, at John Jones's tavern. John Jones kept a tavern under the sign of the Freemasons' Arms, in the Fields, and at the famous inn belonging to Sam Fraunces, corner of Broad and Dock (now Pearl) streets, alternately. He advertised his removal from the Fields into town on November 14. Hence it is uncertain where this first famous gathering was. There are reasons for supposing, however, that it was at the house in the Fields.

city clad themselves in country manufactures or turned clothes. The farmers sent no more lamb to market, that they might produce more wool for the spinners, and sassafras-bark and sage took the place of Bohea teas.

The stamps reached New-York later than the other colonies. They arrived in the ship Edward, on Tuesday, October 23, while the congress was still in session, after a voyage of six weeks and three days from Falmouth. There were ten packages of stamped paper, which had been shipped so quietly that no passenger in the ship knew of their being on the vessel till "a man-of-war came on board to take care of their security." They had been stowed in different parts of the ship, and, it was said, without the knowledge of the captain. The ship was boarded at the Hook in accordance with an agreement between Colden and Captain Kennedy of the Coventry frigate. The arrival of the stamps was made known by the firing of cannon from one of the men-of-war at ten o'clock at night, and the next morning the Edward was convoyed into harbor with great parade by a man-of-war and her tender, and brought to anchor under the guns of the fort. An excited throng watched this proceeding from the river-front and wharves. On Thursday Colden summoned his council, seven of whom were in town, for their advice. Only three attended: Horsmanden and Smith, both of whom were judges of the Supreme Court, and Mr. John Reade. They declined giving advice except by a full board, saying that if the ship were detained the governor and they would render themselves liable for the costs of an action which might be brought by any person having goods on board. They finally advised the hiring of a sloop to unload the vessel until the packages containing the stamps were reached; but no sloop could be hired at any price, their masters declining the service. The captains of the king's ships were then requested to remove the cargo. They consented, and seven of the packages were reached. It was found unsafe to break the cargo further in the uncertainty of the weather and the fear of a gale of wind. Colden states that not a single line or the least direction came in the ship, not so much as a bill of lading. He therefore determined to postpone opening the packages until the arrival of Sir Henry Moore, the new governor, whom the Edward reported as on board the Minerva at Portsmouth, about to sail, when the Edward left. His Majesty's ship Garland at noon landed the seven packages, which were at once lodged within the fort without any opposition or popular disturbance.

On the arrival of the Edward all the vessels in the harbor had lowered their colors to signify "mourning, lamentation and woe." On October 31 the "New-York Gazette" was printed with black head and foot lines, and contained "a funeral lamentation on the death of Lib-

erty, who finally expires the thirty-first of October, in the year of our Lord, MDCCLXV., and of our slavery I." The calm which encouraged the persistent Colden to believe that he could put the laws into force on November 1, the day fixed by the act, was but apparent. The night after the arrival of the Edward manuscript placards were pasted on the doors of every public office, and at the corners of the streets, all of the same tenor. "Pro Patria. The first Man that either distributes or makes use of Stampt Paper, let him take Care of his House, Person, & Effects. Vox Populi; *We dare.*" McEvers had declined to have anything to do with the stamps, and the burden of receiving them fell on Colden. On October 26, when the intention of McEvers was definitely understood, David Colden, son of the lieutenant-governor, addressed the commissioners of the stamp-office at London, asking for the appointment. He expressed his sense of the odium and danger which the appointment involved, but he pleaded that, as his father was determined to enforce the act, he himself must necessarily assume the office of distributer, and that it was but fair if he incurred the risk he should reap the advantage of the emoluments. Colden had no doubt the act would be "quietly submitted to in a few months."


Pro Patria
The first Man that either
distributes or makes use of Stampt
Paper let him take Care of
his House, Person, & Effects.
Vox Populi;
We dare

THE MANUSCRIPT PLACARD.

On the 31st all the colonial governors took the oath to enforce the act; but nowhere was an attempt made to enforce it. The eyes of the colonies were fixed upon New-York. "Whatever is done here will determine their conduct on this occasion," wrote David Colden. The lieutenant-governor was entirely satisfied with the condition of the fort, which was no longer dilapidated as in the spring; it had been restored, and was now in a proper state of defense; the honeycombed guns had been replaced by serviceable pieces; there were howitzers and shells. A company of the sixtieth regiment had come down from Crown Point, and later the relief of the royal regiment of artillery arrived from England. The garrison now amounted to one hundred men besides their officers. They were commanded by Major James of the artillery, a vain and apparently braggart man, whose manners and conversation had already greatly incensed the people. He was charged with saying that "he would cram the stamps down their throats with the end of his sword," and that "if they attempted to rise he would drive them all out of the town for a pack of rascals, with four and twenty men." In reply the Sons of Liberty threatened to storm the fort and burn the stamps. On October 31 the lieutenant-governor

advised the major that a riot was intended for that or the next day, and that there was "a design to bury Major James alive." In the evening of this day, which fell on Thursday, after the merchants had separated from their non-importation meeting, a crowd of sailors and others gathered in front of the City Arms in the Broadway. The night passed, however, without any marked acts of turbulence.

On the morning of November 1 the city magistrates notified the lieutenant-governor that they were apprehensive of a mob that night, and Captain Kennedy was requested to order all the marines from the men-of-war in the harbor to reinforce the troops in the fort. The storm broke at last, and with all the more fury because of its long delay. A mob, "the most formidable imaginable," as Livingston describes it (and it passed twice by his door), collected in the fields opposite the commons, where a movable gallows was erected, on which was suspended an effigy of Governor Colden, closely resembling the person it was intended to represent. In his hand was a stamped paper which he seemed to court the people to receive; at his back hung a drum, on his breast a label, "the rebel drummer of 1715," a sobriquet which had been before attached to him by Chief Justice Horsmanden in the time when Clinton was governor. It was a bitter satire upon the zeal with which Colden, then on a visit to his home in Scotland, voluntarily took up arms and, raising a company, marched against the Pretender and his own countrymen, in support of the king. By his side hung the devil with a boot in his hand, a favorite emblem of the king's unpopular adviser, Lord Bute, who seemed to be whispering in his ear. While the multitude gathered about these figures, a second party with another figure made of paper, also representing the governor in his "gray hairs," seated in his chair and carried on the head of a sailor, preceded and attended by a great number of lights (six hundred are said to have been used on the occasion), paraded through the principal streets of the city; as they moved pistol-shots were repeatedly fired at the effigy. Passing through the Fly, the low meadow-land through which Pearl street ran, they turned into Wall street and paid a visit to McEvers, whose residence was there, and gave him three cheers, in acknowledgment of his resignation of his office of stamp-master.

The mayor, John Cruger, attended by the aldermen, had met at the City Hall. These were Whitehead Hicks, for the East Ward; Nicholas Roosevelt, for the West Ward; George Brencoton, for the North Ward; Francis Filkin, for the South Ward; Dirck Brinckerhoff, for the Dock Ward; John Bogert, Jr., for Montgomerie's Ward; and Cornelius Roosevelt, for the Out Ward. Attended by their constables with staves, these worthy officials endeavored to prevent the progress of the procession, and even threw down the effigy. But the leader of the mob, with ma-

gisterial authority and perfect good temper, ordered it to be raised again, and the city authorities to stand aside at their peril. The mob then marched to the fort at the foot of the Broadway. The governor's residence was inside the walls, his coach-house without the ramparts; this they broke open and took out his chariot. Then placing the effigy upon the coach with one of their number sitting as coachman, whip in hand, they drew it about the town. Passing the Merchants' Coffee House on the corner of Wall and Queen (now Water) streets, a famous place of resort, they were greeted with signs of approbation and applause; thence they hurried with great rapidity toward the Fields. Meanwhile the first party had begun its movement, bearing the gallows on its frame, on which were hung numbers of lanterns. When the two parties met they halted, and proclamation was made that no stones should be thrown and no windows broken and no injury offered to any person, all of which was carefully obeyed. The multitude then marched to the fort, and although aware that the guns were loaded with grape and the ramparts were lined with soldiers, moved directly to the gate. Knocking their clubs against it, they demanded admittance; they called to the sentinel to tell the rebel drummer—*i. e.*, Colden—or Major James to give orders to fire. But for the interposition of some moderate men they would no doubt have forced the gates, as there were said to be four or five hundred sailors and old soldiers among them quite accustomed to desperate undertakings. From the gate, after many insults to the effigy, they fell back to the Bowling Green, stripping it of the palisade which surrounded it. Here they planted the gibbet with the effigies hanging from it, though still under the muzzles of the fort guns. In the middle of the Green, with the palisades and the planks of the fort fence, and a chaise, two sleighs, and the stable fixtures which they had also taken from the governor's coach-house, they soon reared a large pile, which, being fired, soon kindled to a great flame and reduced coach, gallows, man, devil, and all to ashes.

MRS. JAMES ALEXANDER.

This is claimed to have been the extent of the original plan of the leaders of the movement; but while the flames were at their height a

party of volunteers left the main body and, breaking through the palisades on the other side of the Green, repaired to the house of Major James. This was the Vauxhall, a fine residence with large gardens which stood upon the North River shore, at the foot of Warren street, below the college grounds. It had been a popular summer resort as a public house and gardens under the management of the famous Sam Fraunces, but the major had refitted it with good furniture, a valuable library, mathematical instruments, rich clothing, linen, and a considerable quantity of wine and liquors. In the garden were summer-houses and many curious articles. The mob broke open the doors and destroyed every article the house contained; then, making a fire outside, they threw in everything that would burn; drank or destroyed all the liquor; beat to pieces all the doors, sashes, window-frames and partitions, leaving the house a mere shell; they then destroyed the summer-houses and tore up the garden. At two o'clock they retired, carrying off with them in triumph many military trophies, including the colors of the royal regiment. The guard of the royal artillery had hastily withdrawn on the approach of the mob.

During the evening a placard which had been exhibited during the day at the Merchants' Coffee House was delivered at the fort gate by an unknown hand. It was in the form of an open letter to Lieutenant-Governor Colden, and addressed to him in all due formality. After accusing him of having bound himself by oath to be the chief murderer of the rights of the people, it passed to a personal threat: "We can with certainty assure you of your fate if you do not this night solemnly make oath before a magistrate and publish to the people that you never will directly or indirectly by an act of yours or any person under your influence endeavour to introduce or execute the Stamp Act, or any part of it, and that you will do the utmost of your power to prevent its taking effect here and endeavour to obtain a repeal of it in England. We have heard of your design or menace to fire upon the town in case of disturbance, but assure yourself that if you dare to perpetrate any such murderous act you 'll bring your gray hairs with sorrow to the grave. You 'll die a martyr to your own villainy and be hanged like Porteous[1] upon a high post, as a memento to all wicked governors, and that any man that assists you shall be surely put to death." The menacing letter was signed "New-York," and no doubt expressed the resolve of the people. The next day, November 2, letters and messages were sent in to Governor Colden at the fort threatening his life if he did not deliver up the stamped papers. On this point he says himself: "By advice of council I very

[1] This was an allusion to the fate of Captain Porteous of the city watch in Edinburgh, who, falling under the censure of the people, was taken from the Edinburgh jail and hanged on one of the city gates by a mob in 1736 — a fact in Scottish history peculiarly offensive to Colden.

readily declared that I would not distribute them, in truth it was not in my power to do it, but deliver them to Sir Henry Moore when he arrived." Some were content with this, but others of the leaders insisted that the stamps should be placed on board Captain Kennedy's ship Coventry. But that officer declined to receive them, fearful lest the mob should demand them of him and on his refusal to give them up take vengeance by destroying the property held by him in his own and in his wife's right, the latter being a member of the Watts family. He owned as many houses as any one person in New-York.

STAMP.

The 3d of November was Sunday. There was no disturbance, and all parties had time for reflection—the leaders to concert their action, the governor and the military to prepare for defense. Prudent counsels prevailed, and early on Monday, the 4th, Colden invited the attendance at the fort of the mayor and some of the first citizens, to whom he renewed his promise that "he would not issue nor suffer to be issued any of the Stamps in Fort George." This, arranged in the form of a declaration, and bearing the names of Robert R. Livingston, John Cruger, Beverly Robinson, and John Stevens, was printed in hand-bills and freely circulated throughout the city. It closed with an expression of the satisfaction of the freemen and freeholders, and an assurance of their determination to keep the peace of the city unless they found other cause of complaint. But the people were not satisfied, and declared that the stamps should be delivered out of the fort or they would take them out by force. Placards were posted throughout the city inviting a meeting in the Fields on the evening of Tuesday, November 5, and requesting the citizens to come armed for the purpose of storming the fort. During the day, however, the city magistrates met in common council at the City Hall and named a committee to wait on the lieutenant-governor and propose that the stamps be delivered to the city authorities and be deposited in the City Hall. This committee appears to have consisted of the mayor and all the aldermen. They proceeded to the fort, accompanied by a prodigious concourse of people of all ranks. The governor delivered up the stamps, taking receipt therefor from John Cruger as mayor. The packages were then taken to the City Hall, where they were lodged, and the people dispersed. The tranquillity of the city was again restored. During the course of these proceedings General Gage, the military commander of the northern provinces, was greatly praised for his moderation. While the mayor and aldermen were awaiting Colden's answer on the morning of the 5th, the lieutenant-governor had re-

quested the advice of the general, which it seems was favorable to the concession.[1]

Whatever divisions there may have been in the city of New-York between the upper and middle classes, Episcopalians and Presbyterians, the king's party and the independents, before the passage of the stamp act, certain it is that there were none after that event. The entire population of the city and province was merged in one solid mass of resistance to the arbitrary measures which struck at the very root of liberty. The universal testimony is that Colden was alone in his determination, and that even the king's officers, with the exception of the injudicious Major James, were averse to meddling in the matter. The major, no doubt alarmed at the demonstrations against himself, thought it prudent to take passage for London the next day—carrying despatches to Secretary Conway—on board the Edward, whose captain, Davis, was obnoxious because of his having brought over the stamps. She sailed on the 8th. Colden sent a circumstantial account of the affair of the 5th by the Falmouth packet, which sailed the following Sunday, the 10th, and inclosed a memorial from Major James praying remuneration for the total loss of his property. Colden in his account declared that the defense of the fort would have involved the destruction of the city, and that he had only yielded to the appeals of a deputation of merchants and an address of the corporation "imploring his compassion." "They knew," said he, "that had every man in the City on Tuesday last joined in the attack on the fort, as was openly and boldly threatened, they could not have carried it, but that the greater the number who joined in it the greater their desolation must have been." How far this is true it is now difficult to judge. Captain John Montresor, of the royal engineers, called in by Colden on November 1 to put the fort in a state of security, states that the defense he put up was temporary, "there being no parapet to the works and being commanded by its neighboring houses." He places the number of assailants at two thousand, and says that some of them attempted to scale the walls, while three hundred carpenters among the mob were prepared to attempt to cut down the fort gate on the first shot fired from thence. Moreover, they had procured one hundred barrels of powder, and had proclaimed their intention of marching the friends of the government in their front.

Colden had sent his family on board the war-ship Coventry for protection on the 4th. They returned to the city on the 6th of November. Meanwhile he remained himself in the fort. Watts wrote to Monckton "that he should not like his [Colden's] situation." Colden

[1] It may be here mentioned that this 5th of November was Guy Fawkes day, the evening of which was always celebrated in New-York, as it was in all English cities, with popular enthusiasm, bonfires, and much drinking—a dangerous anniversary for a revolutionary assemblage.

himself wrote to Conway "that, could he be assured that no villainous assassin would come from the town, he should think himself as secure at his country house as in the fort, the inhabitants of the country being absolutely free of the seditious spirit raging in the town."

New york June 17th 1766.

Dear Sir

By Letters of the 5th inst. from Detroit the Pottawatamies of St. Joseph do not seem inclined to give Satisfaction, and have desired their Hostages might be sent them. The Miamies would not deliver up the Prisoners of the 17th Regt. to the Chippewas who was sent to them by Col. Campbell to make a Demand of the Prisoners but bid them tell the Commander they would bring him themselves when Pondiac returned from the Illinois they would first hear what he had to say. It is reported that Pondiac has defeated all the Nations upon the Ouabache at the Illinois, Miamies St. Joseph, and marry to the Northwards and there are very bad Reports about St. Pierre and those who went with him from Fort-Pitt on the 22d of March. That his Party consisting of six Englishmen, a Mohock, a Huron & a Delaware, were taken Prisoners at the Illinois by Pondiacs order & brought to Ouatanon, where they were all burned, except the Frenchman and the Huron, whom Pondiac was bringing Prisoners to the Miamis Village. Hope it is a false Report. I am

Dear Sir.

Your most obedient humble Servant Tho.s Gage

Sir Wm. Johnson Bart.

GENERAL GAGE TO SIR WILLIAM JOHNSON.

From his refuge under the guns of the king's artillery Colden issued his proclamation summoning the assembly. He had not met this refractory body since he prorogued them on October 20, 1764, after their bold representations and petition to the king and parliament. Twelve members appeared in response to the summons on November 12, and adjourned over to the next morning.

Early on that day, Wednesday, the 13th, the Minerva arrived, about ten weeks out from Portsmouth, having on board Sir Henry Moore, the new governor. He was received at the fort by the lieutenant-governor, and saluted with seventeen guns. He was waited on successively by the council, the gentlemen of the general assembly, the mayor and corporation of the city, General Gage and the officers of the army, the clergy, and most of the principal inhabitants of the town. His commission was read in council and published in the fort, after which, accompanied by the officials and gentlemen, he walked in procession to the City Hall, where his commission was republished, "attended with loud acclamations of the people." Such is the account of the liberty paper. On his return from the City Hall to the government house at the fort, the grenadier company of militia appeared and headed the procession; and the way to the fort was lined by the other companies, who had gathered late because of the shortness of the notice and the badness of the weather. There were high festivities at the government house, the usual loyal toasts were drunk, and in the evening the city was handsomely illuminated. The assembly met in the course of the day, but receiving word from the governor that he was much fatigued from his voyage and desired to refresh himself, they adjourned till the 19th.

On the 14th, the mayor and common council (Augustus Van Cortlandt, clerk) adopted an address to the new governor, in which "with hearts elate and full of joy" they congratulate him on his safe arrival. They allude in terms of affectionate gratitude to the administration of General Monckton, who governed the colony with a "spirit of dignity, justice and tenderness never to be forgotten by the people of this country." They deplore the state of the colonies in general, "now groaning under the burthen of great grievances and filled with fearful apprehensions of the loss of their most inestimable privileges." They profess the utmost devotion and loyalty to the royal sovereign, and their satisfaction at his (the governor's) arrival at "this critical junction, most ardently wished for and depended upon for the preservation and establishment of the public peace and felicity." Duly engrossed and sealed with the seal of the corporation, the address was accompanied by a resolution tendering him the freedom of the city, inclosed in a gold box with the city arms engraved thereon. The corporation waited on the governor on the 21st with their compliments, and were graciously received with assurances of "his desire to contribute to the public peace and tranquillity and to establish them on a lasting foundation." The city was by this time quiet. Indeed, so immediate was the restoration of tranquillity after the delivery of the stamps, that Colden himself wrote on the 9th that "it [the excitement] immediately ceased in every appearance"; and again at a later period, "the mob

entirely dispersed and the city remained in perfect tranquillity till I delivered up the administration to Sir Henry Moore." Meanwhile the stamps "remained safe with a very trifling guard indeed upon them in the City Hall."

The new governor evidently made a favorable impression. Watts, writing to Monckton, describes him as "an easy sensible well-bred man and experienced in business; everybody likes the change extremely; indeed nobody could come amiss so they were but rid of the old man": *i. e.*, Colden. His first question to the council was, Could the stamps be issued? to which the unanimous answer was No! The next, whether the fort could not be reduced to its old state, it now appearing as menacing and unfriendly, and the gates thrown open as usual; to which they unanimously consented, even Colden voting in the affirmative. On the 16th, Montresor had his order from General Gage, on the application of the governor, to dismantle Fort George, and on the 29th orders were issued to raze the parapet also. The work was performed by the garrison, consisting of the detachment of royal artillery and the Royal Americans, and it was completed in December. The guns on the battery and also the ordnance guns in the artillery-yard had been spiked by the British officers on November 3. This, it must be remembered, was the Water Battery, not the Battery as it now exists, which is chiefly made land.

The Sons of Liberty again appear publicly on the scene. The lawyers whom Colden accused of writing the stirring letters in the newspapers are not mentioned by him by name. Of the authors of the more inflammatory articles Watts wrote on October 12: "I don't find anybody who so much as suspects the authors of them." John Holt, the editor of the "New-York Gazette and Weekly Post Boy," though repeatedly warned by the government, totally disregarded the warnings and boldly printed his journal on unstamped paper. He must have been sure of personal protection, as he openly published a manifesto of his purpose to defy the law.[1] Chancellor Robert R. Livingston, describing the violent proceedings, says that the placard announcing the assault on the fort on November 5 was signed "Sons of Neptune," and it has been seen that the still more significant notice was signed "Vox Populi." This was the name of the secret party,

[1] Leake, in his life of John Lamb, asserts, but without naming any authority, that at the non-importation meeting of the merchants of New-York, on October 31, it was proposed to raise a committee to correspond with the different colonies; that many leading names were proposed, but that the duty was declined, until at length five gentlemen, Isaac Sears, John Lamb, Gershom Mott, William Wiley, and Thomas Robinson, the most ardent of the associated Sons of Liberty, volunteered their services and were accepted. Dawson, in his "Sons of Liberty," accepts this statement; but, unsupported as it is by contemporaneous witness, it hardly seems credible that two hundred of the principal merchants of New-York would have selected men of comparative insignificance to represent them in such important matters as were involved in their action. No imputation is here cast on the patriotism of any of these gentlemen, but question is made of their importance. Of the five the first two named were assuredly merchants and popular leaders, but not in harmony with the conservative mercantile class which controlled the meeting in question.

though at the time no one knew how formidable it was. The placard thrown into Holt's window on November 2, warning him not to desert the people at this critical hour, was signed, in the name and by the order of a great number of the "Free Sons of New-York," by "John Hampden on the Turf," a probable allusion to the Fields. Holt answered it on the 14th. Not as yet does the name Sons of Liberty appear. It is first found in Holt's New-York letter of November 21, from which we learn that in the greatest simplicity and without any pageantry the Sons of Liberty had sent Sir Henry Moore a deputation with a congratulatory address. Encouraged by his Excellency's complaisant reception, they met in the Fields on Friday, the 15th, erected inscriptions and pyramids in his honour, and one of the grandest bonfires ever seen in the city. The same paper relates that these Sons of Liberty, ever vigilant for their country's good, alarmed at a second importation of stamps in the Minerva, which brought out the governor, were indefatigable in their efforts to have them lodged with the first in the City Hall. On their application the mayor and aldermen asserted themselves, and they succeeded in obtaining for them this destination. Joseph Allicocke, writing to John Lamb, then in Philadelphia, uses the phrase "Liberty boys." He sends Lamb some papers which he requests him "to look at and seal and distribute with speed, privacy and actual secrecy."

BURNS'S COFFEE HOUSE.[1]

The assembly met on November 20, when Robert R. Livingston, chairman of the committee appointed on October 18, 1764, to correspond with the other colonies upon the sugar act and other obnoxious legislation by parliament, reported the meeting of the Stamp Act Congress and the representations then adopted, which the assembly unanimously approved, and in accordance with the recommendations of the congress raised a committee to draw up a petition for the New-York province. Still another grievance had disturbed the peace of the colony and alarmed the most thoughtful men. This was an unprecedented attempt made by Ex-Governor Colden, during the recess of the assembly, to introduce appeals from the verdict of a jury. Popular excitement, which had somewhat lulled under the satisfaction felt

[1] Burns's Coffee House, so frequently mentioned in the text, stood in Broadway opposite the Bowling Green, near what was formerly the private residence of the Van Cortlandts. The view here presented is that of its front in Broadway. The illustration on a succeeding page gives the rear view, with its attractive garden.

EDITOR.

in the change of administration, again ran high. As in all popular movements the city was divided into two great classes: the men of property, who had a heavy stake in the preservation of order and the redress of grievances by constitutional or at least conservative methods; and the larger faction of those who had much to gain and little to lose by revolution, led by men who found their interest promoted and their pride gratified in their leadership. Livingston, in his account of the troubles, says that a meeting of those conservative men who were "inclined to keep the peace of the city" was called at the Coffee House at ten in the morning; that although "all came prepared to form a Union, few cared openly to declare the necessity of it, so intimidated were they at the secret unknown party which had threatened such bold things." A similar division of sentiment again displayed itself. Business, it seems, had come to a standstill. The well-to-do class could afford to await the issue of the petitions to Great Britain. The middle and lower classes, who depended upon a daily trade, were in distress because of its stoppage, and insisted that business should go on as before, regardless of the stamps.

On November 25, an advertisement was devised and great numbers of it set up in all quarters of the town, under the heading "Liberty, Property, and no Stamps," inviting a general meeting of the freeholders, freemen, and inhabitants of the city and county on the 26th at Burns's City Arms Tavern (the same where the non-importation agreement was signed October 31 previous), in order to agree upon instructions to their representatives in the general assembly. Persons of all ages, ranks, and conditions were notified they could safely attend, as it was resolved by the promoters of the meeting that their proceedings should be conducted with the utmost solemnity and good order. Notwithstanding the admirable temper of this call, the placards were twice pulled down in all parts of the town and as often immediately restored to their places by order of the managers. When it was found that the meeting could not be prevented, an attempt was made by its opponents to control its action and, by diverting its purpose from essential to minor objects, to defeat the original design. About twelve hundred persons assembled. A committee of management was appointed, representing, it would seem, both wings of opinion. An address was then prepared to the city and county members proposing a method for carrying on business without stamps. This paper was read and approved. Another paper was submitted urging remonstrance to the several unconstitutional acts. This also was approved, and being declared by one of the principal persons to be all that was needed, was by the managers substituted for the first. The committee appointed to present the petition, twelve in number, was composed of Henry Cruger, John Vanderspiegel, David Van Horne, James Jauncey,

Walter Rutherfurd, John Alsop, William Livingston, William Smith, Jr., Whitehead Hicks, John Morin Scott, James De Lancey, and John Thurman, Jr., who fairly represented the various shades of opinion. Colden describes them as four lawyers, six merchants, and two landed men. The rejected address invited the assembly to make it a condition "that no officer shall be entitled to any salary who refuses to discharge the functions of his duty on unstamped paper." Thus the issue was drawn between those who advocated a suspension of trade and those who favored trade on unstamped — *i. e.*, illegal — paper. The committee of twelve published the instructions and reported that they had presented them in a body to the city members, who assured them that the house had already seriously considered their subject-matter. In fact the journals of the 29th report the adoption by the house of the petitions, drafted by Robert R. Livingston by their order.

BURNS'S COFFEE HOUSE, FROM THE GARDEN.

While the governor was "behaving sensibly and coolly, and letting the stamps sleep till he can hear from home," he lost little time in informing the assembly of what parliament expected of them. On December 3 he laid before the assembly the act of parliament providing that the expense of furnishing the king's troops in America with quarters should be defrayed by the respective colonies. He added a return of the forces, and asked their compliance. The assembly withheld its answer till the 15th, when it declared that wherever the king's troops were quartered in the king's barracks they were supplied without charge to the colonies; that there were barracks in this city sufficient for the king's forces, and, finally, that when the question arose as to the supply of quarters and necessaries on the march, the house would consider it after the expenses had been incurred. This was passed without a dissenting voice. On December 18 they passed, also without a dissenting voice, a solemn declaration of their rights and liberties, claimed the sole right of taxing themselves, and asserted that the late duties were "grievous, burthensome, and impossible to be paid," and already diminished their profitable trade with the West India foreign islands, and must render them unable to purchase the manufactures of Great Britain. In the same session, however, they continued the old act granting to the king the several duties and im-

positions on goods, wares, and merchandise imported into the colony. The assembly adjourned on the 23d to March 4, 1766.[1]

The distress of the people grew fast. "The aspect of things was ill-boding, what with the cramping of trade, suppression of paper money, duties, courts of admiralty, appeals, internal taxes, etc., rendered people so poor, cross, and desperate that they don't seem to care who are their masters." So wrote Watts, a calm observer. But Sir William Johnson held the behavior of the New-Yorkers to be "furious and audacious," and the purpose of the persons of consequence who excited and supported them to be, "to effect that democratical system which is their sole aim, and which they may hereafter compass unless a timely check is given to that spirit of Libertinism and Independence daily gaining ground through the artifices and unaccountable conduct of a few pretended patriots, but in reality enemies to the British Constitution." Toward the close of November, Peter De Lancey arrived from London, and with his arrival came the news that he had been appointed one of the inspectors of stamps for America; but finding the temper of the people to be what it was, he made a solemn renunciation of the office, which was published in Holt's "Gazette." Hood, the Maryland officer who, it will be remembered, took refuge in Fort George, was now residing at Flushing, where he was visited by a large delegation from New-York, and compelled to deliver a similar renunciation, which he did on November 28. That these men were Sons of Liberty, and that they were now associated under that name, appears in a letter of thanks of the date of March 6, 1766, from the Baltimore Society to the New-York Sons of Liberty, preserved in the Lamb papers.[2]

The first of these papers is that of November 21, already quoted, from Joseph Allicocke. The second is a communication dated Albany, January 15, 1766, addressed to Messrs. Joseph Allicocke and Isaac Sears, which announces the formation of a society in that town; it is signed "Albany." A letter signed "Son of Liberty," indorsed as from Mayor Durkee, dated Norwich, Conn., February 15, mentions a society in that town; it contained a copy of a letter from the Sons of Liberty at Boston, which closed with the words: "We have nothing more to subjoin except the unanimous vote of thanks from our first-born Sons of Liberty throughout the Province of Massachusetts Bay on the 27th January, 1766." A communication from the Sons of Liberty in Philadelphia, dated February 15, 1766, declares their body not numerous, because of dissensions in provincial politics. A letter from the same place, the same day, is addressed to Messrs. Lamb, Sears, Robinson, Wiley, and Mott—the first mention found of a committee.

[1] Unfortunately the journals of the house from this date to November 17, 1767, have been lost, it seems, irrevocably. The council minutes exist at Albany, but were never printed.

[2] A letter of thanks, signed "Marylander," and addressed to the Sons of Liberty in New-York, appeared in Holt's paper on December 26, 1765.

The society in Boston was governed by a privy council, as appears by a letter from Providence of February 7. From a copy of a letter from the New-York committee of February 20, it seems that this body submitted their resolves to a general meeting, and sent their circulars as far as Charleston by messengers, usually the post-riders. With this evidence the claim of New-York to have originated this practical scheme of an organization which united the colonies in a common purpose cannot be disputed; and this was the precursor of colonial union. Sears and Allicocke seem to have been the known authorities in New-York, and it was before them that James McEvers made his formal renunciation on December 2.

In addition to their political differences, there now arose constant quarrelings between the king's troops and the citizens. The royal artillery, a party of whom had barely escaped with their lives when the mob sacked the house of their officer, Major James, while under their guard, held the Sons of Liberty in dire umbrage. Montresor relates that a member of the association was stabbed with a bayonet by one of the royal artillery on December 1, 1765; and his journal of December 8 has an entry, "The Sons of Liberty, as they term themselves, openly defying powers, office, and all authority; sole rulers." On the 13th the officer commanding the man-of-war declared his obligation to seize "vessels cleared without stamps, whereon one returned to harbour." The excitement was so high that Sir Henry Moore invited all the merchants to meet him at the fort on the evening of the 16th, that he might know who reported among them that he had given the officer of the man-of-war such advice. On the night of the 17th effigies of Lord Grenville and other obnoxious British leaders were paraded through the streets by a large crowd of people, and burned on the common. On the 19th "Freeman" again entreated the people to stand firm in the important and most alarming crisis. "Our business of all kinds is stopped, our vessels ready for sea blocked up in our harbours as if besieged by an enemy, great numbers of our poor people and seamen without employment and without support, . . . many families which used to live in comfortable plenty daily falling to decay for want of business"—a sad picture. Six inches of snow had fallen the day before. On the 21st, thirty-five of the forty militiamen who under a magistrate nightly guarded the stamp papers, voted to burn them on their own responsibility. On the 23d a mob assembled to take the votes of the householders as to whether the papers should be burned or returned, but broke up without reaching a determination. On the 24th a mob gathered to destroy the residence of Captain Kennedy, but was prevented by the mayor's interposition.[1]

[1] Kennedy lived at the building long but erroneously known as Washington's Headquarters, No. 1 Broadway; now the site of the Field Building.

On the 25th it was proposed to the governor to issue a proclamation offering the post of stamp-distributer or stamp-master to any who would accept it, well aware that no such person could be found, and should none apply, to issue let-passes to vessels. Apparently the governor declined this subterfuge. The next day a Son of Liberty notified his brethren to be ready at a call when the common good should again require their exertions. Some enterprise was contemplated.

The temper of the people now suddenly changed. Advertisements were posted about the streets threatening the effects and even the persons of the captains of the men-of-war should they dare to detain or even bring to any vessel sailing without stamped clearances; and the year closed with an attempt to burn General Gage in effigy, which was averted only by the joint action of Gage and his officers. The cause of complaint was probably the active measures being taken to survey the town and adjacent country for military purposes. Thus ended this memorable year 1765, thenceforth distinguished in history as the year of the Stamp Act Congress. In the very last days of the year Watts justly characterized the temper of the people when he wrote, "he, Governor Colden, and the Stamp Act, at present are exactly alike, without a single friend." The assembly paid no attention to Colden's demand for so much of his salary as he had earned from the time of the last appropriation till the arrival of his successor; and while at a later session they compensated Major James for his losses, they neglected to remunerate Colden for his damaged coach-house and burned chariot. Moreover, he was sharply censured and assured of his Majesty's displeasure by Secretary Conway for having waived the enforcement of the act until Sir Henry Moore's arrival.[2] It is proper to state here that while all classes were opposed to the use of stamps, the opposition was clearly divided into two classes: first, those who proposed to abandon trade; second, those who insisted on its continuance with-

KENNEDY AND WATTS HOUSES.[1]

[1] These houses occupied the lots Nos. 1 and 3 Broadway, where now stands the Field or Washington Building. Captain Archibald Kennedy later became Earl of Cassilis. He was related by marriage to the occupants of the adjoining house. John Watts, the elder, adhering to the Tories, at the time of the evacuation, in 1783, his property was subjected to confiscation, but it was restored finally to his son.

[2] In his complaint to the king, through his minister, Colden wrote in January that he wanted only one month of having "lived seventy-eight years complete, of which forty in the Council of the Province."

out stamps: the first the men of property who dreaded illegal measures; the second the trading people whose support depended on their daily business.

Early in January, 1766, the plans of the Sons of Liberty to associate on a continental basis seem to have been completed, and the mask of secrecy was boldly thrown off in all the colonies. On the evening of Tuesday, January 7, a great number of gentlemen belonging to the Sons of Liberty met at the house of William Howard, an old place of entertainment which stood at the upper end of Broadway facing the common, upon a part of Trinity Church farm, and which thenceforward became their headquarters; and after unanimously declaring their opposition to the stamp act, a great majority agreed to a series of resolutions demanding and engaging action of the most vigorous nature toward all who "may either carry on their business on Stamped paper or refuse to carry it on independently of the odious act." They then adjourned to meet again in the same place a fortnight later, and at similar regular intervals thereafter.

STATUE OF GEORGE III.

The same evening the British brig Polly arrived from London, whence she had sailed in October. Information being received that she had ten packages of stamps in her cargo, she was boarded the next night by a body of armed men as she lay at Cruger's dock, when the persons in charge were compelled to deliver up the keys and provide lights for a thorough search. The stamps were found, laden on a large boat, and taken up the East River to the ship-yards, where they were burned in tar-barrels, after which the men dispersed in an orderly manner without the least alarm to the city. The next day placards all over the city declared the popular approbation of the bold act of the Sons.

Sir Henry Moore, who with General Gage had been secretly preparing for a possible enforcement of the act, now seems to have held it to be impossible with the forces at hand to carry out this purpose. There appears to have been some division of opinion in the councils of the Sons, perhaps because of the news, which came in on the 18th from Hartford, of a large assemblage there of men who desired a new system of government; some boldly demanding another Cromwell as protector. The majority of the New-York population was, as has been

stated, truly loyal to the person of the king. Hence the fortnightly meeting in the Fields, for which great preparations had been made, including supper, fell through, for so few attended that it broke up in disorder. Indeed Montresor distinctly asserts this view in his diary under January 18: "From the present crisis, if we may judge of the loyalty of most people here, they acknowledge the King, but not the power of Parliament." This same day another vessel arrived with stamped papers, which were safely lodged in the City Hall. As it was known that those intended for Connecticut were in the fort, the Sons of Liberty in council resolved that on the first news from England of a determination to enforce the act, they would seize and destroy them all, no matter in whose custody they might be. At the regular meeting of the Sons of Liberty on February 2, a committee was appointed by unanimous consent to correspond with the Sons of Liberty in the neighboring colonies. This committee was composed of Messrs. Lamb, Sears, Robinson, Wiley, and Mott. News now arrived of great disturbances in the southern colonies, particularly in Georgia, where the governor himself headed the troops. Governor Moore summoned his council and informed them of his Majesty's orders to put the act in force, but they again declared against the possibility of such action, the Sons of Liberty having openly threatened that they would "fight up to their knees in blood rather than suffer the stamp act to be put in force in this province, or, if they can assist, even in any others." Carriers and criers patrolled the streets shouting "the downfall of the Stamp Act," and bands of boys roamed about with candles and effigies.

Up to this time all the disturbances had been at night; but the Sons of Liberty of Philadelphia sending an express to New-York, on the 14th, with word that Mediterranean passes (passes issued by the government of Great Britain, under treaty with the Dey of Algiers, for safe passage of the Straits of Gibraltar) had been sent out from New-York on American stamped paper by Messrs. Pintard & Williams, two well-known merchants, all disguise was thrown off, and the Sons of Liberty, headed by Lamb, Sears, and Allicocke, marched in broad daylight to the houses of these gentlemen. The next day their persons were seized and taken to the common, where they narrowly escaped being pilloried only on the appeal of the clergymen of the city. They were put on their defense and made humble submission, first on the common, again at their door-steps, and later on oath published in the "Gazette." On February 17 the Falmouth packet brought the satisfactory news that it had been decided that there could be no appeal from the verdict of a jury; but also that of the declaration of Grenville in the house that the colonies were in rebellion. Nor was he far astray, when now for nearly three months the "New-York Gazette" was boldly printed under the heading, "The united voice of all his

Majesty's free and loyal subjects in America, Liberty and Property, and no Stamps"; when societies of the Sons of Liberty were already formed in every town and hamlet, and their resolutions published in the New-York prints; when Colonel Putnam openly advised the New-York committee that he would assist them with the Connecticut militia, in the New-York province or any other; nay, more, when the New-York committee openly announced their purpose to seize all the crown officers and embark them for England, while the more radical publicly declared for shaking off the yoke of dependency. At this time the governor himself was wearing American homespun, with the avowed purpose of encouraging American manufactures, while the engineer Montresor was just completing his military survey of the city for General Gage and finishing the unspiking of the ordnance, spiked on the battery, by Colden's orders, before the crisis of November.

On Thursday, March 6, the leaders of the populace resolved to show their opinion of Colden's action, and organized a large procession carrying an effigy representing the lieutenant-governor mounted on a cannon and drilling a vent. On his head was a paper with these lines:

> I 'm deceived by the Devil and left in the lurch;
> And I 'm forced to do penance, tho' not in the church.

After it had been paraded through the chief streets, the effigy was burned on the common. On the 12th news came from England that Captain Kennedy had been superseded in his command of the man-of-war Coventry for having refused to receive the stamps. The same packet bringing news that Sir Jeffery Amherst had urged an increase of British forces in America, it was proposed to have another procession and to burn him in effigy; and it was also proposed to erect a statue to William Pitt, the recognized friend of the colonies, at the Bowling Green, and that the Green be known forever after as Liberty Green. On the night of the 19th the Sons of Liberty performed an act of boldness as yet unrivaled in their proceedings. They delegated two of their committee to go on board the Garland ship-of-war and demand the surrender of one of the lieutenants of that vessel for having said that the printer Holt deserved hanging for the licentiousness of his paper. The lieutenant was not given up, and the next morning the navy and army officers concerted for common defense. This action of General Gage was a cause of great exasperation to the citizens. They resented the interposition of the military between the navy and themselves. A few days later news came from Connecticut that Colonel Putnam was ready to march with ten thousand men, and that arms and ammunition were already collected. Yet at that time not a stamp had reached that colony—all remaining in New-York.

A crisis had evidently arrived, and there seems little doubt that within a few days a collision would have occurred and a revolution have been precipitated, when, on the afternoon of March 25, an express arrived from the Sons of Liberty in Philadelphia bringing word of the arrival in the Chesapeake of a vessel from Cork with advices "that everything relating to the affairs of America was settled, . . . the Stamp Act repealed, and requisitions to be made to the respective colonies for the support of the American establishments." As an instance of the rapid exchange of letters by the Sons of Liberty, it is stated that "this express arrived in twenty-two hours." There being reasonable doubt as to the exactness of this news, there was no relaxation in the efforts of the organization for concerted action, and as a first step toward concentration congresses of the local societies were called in several of the colonies. On the other hand, the crown officers took measures of precaution. One thousand barrels of powder and twelve thousand stands of arms were put on board the men-of-war in New-York harbor for safety. But the commander-in-chief was compelled to use wood-boats for their transfer, the vessels in port declining the service, and Governor Moore refusing a press-warrant to General Gage, "as 'twas time of Peace." The general protesting, the governor and council consented to the issue of the useless warrant, the result of it being that exasperation against the military now took practical shape. The officers of the Royal Americans were insulted, and on one occasion one of their number was assaulted and his sword broken. On April 4 definite news reached the city, from Charleston, South Carolina, of the repeal of the stamp act on February 8. Yet this also was premature, as it was not until February 22 that Secretary Conway moved in the Commons for leave to report a bill of repeal, and that Pitt, who had hobbled into the house on crutches and wrapped in flannels, amid the cheers of the bystanders, supported the motion, "as due to the liberty of unrepresented subjects, and in gratitude to their having supported England through three wars." When, on midnight of March 4, the bill was finally repealed, it was accompanied by an act declaratory of the absolute power of parliament to bind America. The bill for repeal passed the Lords on March 17, and the next day the king, sitting in state at Westminster, gave his assent "in

GENERAL THOMAS GAGE.

sorrow and despite." Bow Bells rang out the delight of London, and the happy conclusion was celebrated by dinners, bonfires, and a general display of colors. On Tuesday, May 20, an express from Boston brought the news of the repeal. It had been received from Liverpool by a brig belonging to John Hancock. The Sons of Liberty met in the evening, and the next day issued a call for a general meeting at one o'clock the day after at the house of Mr. Richard Howard[1] in the Fields. The day was celebrated with a dinner, with a "royal salute," and at night there were two bonfires on the common and a general illumination. Pitt was the hero of the toasts, and was designated "the Guardian of America." The gratitude of the people to Pitt was general throughout the colonies, from Massachusetts to Georgia. The idea of a statue in recognition of his services, proposed in New-York, first took practical form in the assembly of South Carolina, by whom in May a marble statue was ordered, and also portraits of her commissioners to the Stamp Act Congress. The example was later followed by New-York. The two statues were similar and by the same artist, Wilton of London. That executed for South Carolina still exists in Charleston. That in New-York was defaced by the British troops during the Revolutionary War. Its headless form may still be seen in the collection of the New-York Historical Society.

The first non-importation agreement, the famous act of commercial defense against the oppression of the British parliament, originated, as has been shown, in the city of New-York, and was undertaken at the deliberate self-sacrifice of the merchants and tradesmen of the city. Copied in Philadelphia and later in Boston, it was at first universally hailed as the true measure of retaliation. Its effect was immediate on the sentiment of the merchants and manufacturers of Great Britain, and its result was the repeal of the stamp act. The compliance in New-York with the strict terms of the agreement seems to have been from the first general and voluntary, and to have required the interference of no specially appointed committee for its enforcement.[2] But pending the repeal of the act, the Sons of Liberty

[1] So in the call—no doubt the house of William Howard.

[2] As to the comparative observance of the non-importation agreement, 1769–70, an excellent idea may be gained from a letter of William Samuel Johnson to Governor Jonathan Trumbull of Connecticut: "After all the tergiversations amongst the merchants the trade has this year been reduced about seven hundred thousand pounds as you see by the following account nearly as it was stated last night from the Custom House Entries."

Value of all goods exported from England to the colonies in North America from Christmas, 1767:

	1767–1768		1768–1769
Canada	£110,000	..	£174,000
Carolina	£200,000	..	£306,000
Florida	32,000	..	29,000
Georgia	36,000	..	58,000
Hudson's Bay	5,000	..	4,000
New England	419,000	..	207,000
New Foundland	6,000	..	6,000
New York	482,000	..	74,000
Nova Scotia	19,000	..	19,000
Pennsylvania	432,000	..	199,000
Virginia and Maryland	475,000	..	483,000

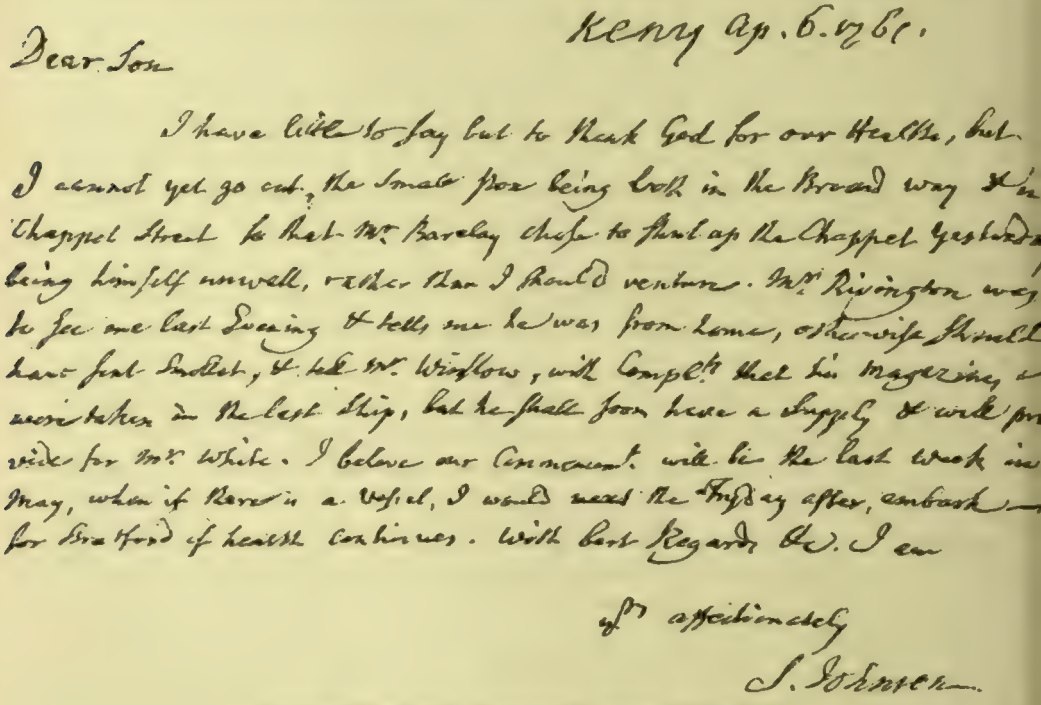
How forcible would the commercial agreement have appeared had all the colonies abated in the proportion of New-York, which seems to have imported only the articles allowed by the agreement.

took care that there should be no infringement of the agreement. On May 24, 1766, a vessel came in from Bristol bringing a cargo of salt, coal, and bottled beer, consigned to Mr. Bache. Immediately a committee, led by Isaac Sears, boarded the vessel, demanded and received the papers for the cargo, and the same being discharged and branded with the New-York arms, was reshipped to Great Britain. These goods came on commission, and no doubt were shipped after January 1, the date fixed by the agreement, but without the knowledge of Mr. Bache, the consignee. This seems to have been the only act of infringement.

As early as April 15 the Sons of Liberty declared that even though the stamp act itself should be repealed, they would insist on all restrictions of trade being removed and the abolishment of post-offices and courts of admiralty. On May 11 the New-York committee informed that of Philadelphia "that a very great majority of the merchants and inhabitants of the city [New-York] are positively determined that the non-importation agreement shall not be broke through here (while the other colonies continue to adhere to it) till a total repeal of the Acts imposing duties upon paper, painters' colours, glass and tea, takes place." The act of repeal, as will be remembered, was accompanied by an act declaratory of the right of king and parliament "to bind the colonies and his Majesty's subjects in them in all cases whatsoever"; and Pitt himself, in his demand for the repeal, had said, "Let the sovereign authority of this country [Great Britain] over the colonies be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatsoever; that we may bind their trade, confine their manufactures, and exercise every power whatsoever except that of taking money out of their pockets without their consent."

Hardly were the rejoicings in the city of New-York begun before the Sons of Liberty further declared that they would neither obey nor suffer to be obeyed any requisition whatever. Later advices and a publication of the warm appeals of the friends of America in parliament, and the congratulations to the merchants from their London correspondents, greatly calmed the general excitement; and as these letters advised a further ease to American trade by taking off several restrictions, the extreme purposes of the more radical of the Sons of Liberty were modified or fell to the ground. Montresor tells us that they even "divested themselves of their home-spun clothes, and were supposed only to remain with home-spun hearts." All business was resumed on the old footing. The organization itself was shortly after dissolved. As its minutes are not, so far as known, in existence, it is difficult to fix the precise date of discontinuance. The last official paper in the collection of John Lamb, who seems to have been the

custodian or secretary of the society, is a letter of May 24 from Albany, signed by Jeremiah Van Rensselaer and others of the committee of correspondence of that place. A later letter, dated London, July 28, 1766, from Mr. Nicholas Ray, a wealthy merchant of New-York and an ardent patriot, speaks of his being informed that "the Society is dissolved." Mr. Ray, recognizing the great service rendered by the constant dissemination of news in England through the action of the society, urged the formation of a club by ten or twenty of the leading members of the late society, under the title of the Liberty Club,



PRESIDENT SAMUEL JOHNSON'S LETTER TO HIS SON.

which should meet monthly and annually celebrate the deliverance of America. The recommendation of Mr. Ray was not found advisable, as the Lamb correspondence shows.[1]

The reaction from the intense strain was great, and for the moment everything was forgotten but a feeling of relief, which displayed itself in wild demonstrations of loyalty to the king on the anniversary of his birthday, which fell upon June 5. The bells of every church were rung at daylight. At nine o'clock preparations began for the roasting of two large fat oxen on the common, where a great crowd gathered to gaze on the mighty roast beef. At noon the firing of a gun sum-

[1] Having named this gentleman as the London correspondent, it may interest some of our New-York citizens to know that Jonathan Sturges, of Fairfield, Connecticut, was the agent through whom the correspondence of the society passed for that colony.

moned the authorities and the principal gentlemen of the city to wait on the governor at the fort and drink the king's health. The battery guns fired a royal salute, and the people exclaimed, "Long live the King, the darling of his people!" Three hundred and forty persons sat down to an entertainment given by the principal inhabitants. Forty-one toasts were drunk. At the king's health a royal salute was fired by the guns on the common, and at each toast afterward a salute was given to complete twenty-eight, the number of years of the king's age; nor were the friends of America in England forgotten. The overplus of the tables was sent to the common, and the new jail and poorhouses were remembered. There was high festivity on the common also: on each side of one of the roasting oxen was a large stage with twenty-five barrels of beer, a hogshead of rum, sugar and water to make punch, bread, etc.; at one end a pile of twenty cords of wood with a tall mast in the middle, to the head of which were hoisted twelve tar- and pitch-barrels and placed on a round top; at the other end of the Common were fixed twenty-five pieces of cannon, and at the top of a mast a flagstaff with colors displayed. In the evening the whole town was illuminated in the grandest manner that ever was seen here, and the streets were crowded, yet without disputes, quarreling, or accident. Similar demonstrations of loyalty were made in Philadelphia, where in addition the gentlemen had previously, at a great public entertainment, engaged, in their gratitude for the repeal, to dress themselves in a new suit of the manufactures of England and give their homespun to the poor. In Boston the Sons of Liberty, in celebration of the glorious majority for the repeal in the House of Commons, increased the number of lanterns on the tree of liberty from forty-five to one hundred and eight.

The New-York assembly, summoned by Sir Henry Moore, met on June 16, and voted a warm and dutiful address, engaging the province to new ardor for the king's person, a cheerful obedience to the laws, and a respectful conduct toward the mother-country. William Nicoll was the speaker of the assembly. On the 23d a large meeting of freemen and freeholders was held at the Merchants' Coffee House, and addressed a petition to the general assembly for "an elegant statue of brass of Pitt." The petition was presented to the city members (John Cruger, Philip Livingston, Leonard Lispenard, and William Bayard), and by a committee appointed at the meeting. This was composed of James De Lancey, William Walton, John Thurman, Jr., Isaac Low, Henry White, and John Harris Cruger. The journals of this session of the assembly have been, as has been stated, unfortunately and apparently irrevocably lost; but it appears from a published extract of the votes and proceedings that the house, on the very day of the meeting at the Coffee House, made provision for an

equestrian statue of the king, and, on the motion of Mr. Cruger, resolved also on the erection of a statue to William Pitt in brass. The material was later changed, and the fate of the monument has been told. The merchants of London were no less grateful to the great commoner, and a large number of rings set with his head were ordered by them for their friends in America, and a statue of him was set up by the merchants of Cork in their Guildhall. For a while it seemed as though an era of peace and good will had opened. Not even the arrival of the forty-sixth regiment from the north, nor yet the suppression of the "Levelers," a large and riotous body who had created disturbances on the manors of Cortlandt and Livingston, and with whom the Sons of Liberty were supposed to sympathize, had disturbed the quiet of the population, which was now eagerly bent on trade. The very name had dropped out of sight and hearing. Yet trouble was brewing. The assembly had positively refused compliance with the act of parliament relating to the billeting of troops. They confined themselves to their old action of supplying barracks with furniture, etc., for the king's troops marching through the colony. The twenty-sixth, passing through Albany, were refused quarters; the barracks in New-York into which the forty-sixth were marched were but bare walls, though later the corporation allowed the use of some unexpended money paid by General Amherst.

As the quartering of troops was viewed with jealousy, collisions were inevitable. The first occurred on the evening of July 21, when four officers of the regulars, who had been drinking freely at one of the taverns in the upper end of Broadway, sallied out and began to break the city lamps near the college. One of the tavern-keepers protesting, they pursued him into his house and wounded him with their swords. Proceeding down Broadway, attended by two orderlies, they broke thirty-four lamps. Meeting the watch, a fray ensued, in which some of the watch, who were four in number, were wounded; two of the officers were knocked down, of whom one was secured and lodged in the watch-house. The three who escaped called the sentinels from General Gage's door, and, reinforced by about a dozen soldiers from the fort, armed with muskets and with fixed bayonets, marched toward the City Hall. Meeting the watch on their way, they wounded several, and proceeding to the City Hall, where the civil watch was kept, released the prisoner. The next day the officer, who was known, venturing abroad, was arrested, and soon after another. The two were taken before the mayor and aldermen and held to bail in a large sum to appear before the Supreme Court. The penalty for each lamp wilfully broken was twenty pounds. The mayor at this time was John Cruger, the same who received the stamps. General Gage's behavior on the occasion was entirely satisfactory to the authorities and citizens.

Mention has been made of the tree of liberty in Boston. The first liberty tree in New-York, or liberty pole, as it was later called, was that set up on the north side of the common, opposite the Church Farm, at a point in the City Hall Park between Warren and Chambers streets. It was set up and bore the colors on the occasion of the rejoicings on the king's birthday. It is variously described as a tree, pole, mast, or flag-staff. Montresor's journal of August 10 reports the gathering on the common of an assemblage (mob he calls it) of two or three thousand men, chiefly Sons of Liberty, headed by Isaac Sears, to demand an explanation from the officers and soldiers for their cutting down of "a pine post where they daily exercised, called by them the Tree of Liberty." It was cut down on the night of Sunday, the 10th. This was the first outrage by the soldiery on what the citizens held to be sacred as an emblem of their principles, and this was the first collision in consequence. The mob used brickbats, the soldiers defending themselves with their bayonets until they received orders from General Gage, to whom they had sent a messenger. The general's aide-de-camp was attacked on his way to the troops and compelled to draw in his defense. Two or three persons were wounded and several hurt by the soldiers. General Gage declared that if the soldiers were the aggressors they should be punished; if not, they should redress themselves. The governor did not interfere. The offending soldiers, who appear to have been the aggressors, were of the twenty-eighth regiment, then quartered in the barracks. The townspeople held the affray to have been a premeditated insult, and were justly uneasy at the presence of such a body of armed men patrolling their streets as though those of a military post or conquered town.

The Sons of Liberty gathered again on the 12th, it would seem by private call or of their own accord, since, as has been shown by Mr. Ray's letter of July from London, they had long before dissolved as an organized body, They determined that they would no longer allow the soldiers to patrol the streets or beat their retreat and tattoo through them. The same day they erected "another high post in lieu of the other, with 'George, Pitt and Liberty,' and hoisted a large ensign thereon." This was the second liberty pole set up in the city of New-York, and on the original site. On the 13th the commander-in-chief, General Gage, reviewed the twenty-eighth regiment, apparently on the common, for it is related that the artillery formed the square for the service with fixed bayonets; the people attempting to push through, claiming the ground was theirs. The gulf now widened day by day. The soldiers were daily jeered and threatened. A captain (Heathcote) of the royal artillery, returning from camp to the city in a sedan-chair, was stopped at midnight by an angry party and told that he was mistaken for Major James, whom they would have buried alive.

Agreements were made to have no intercourse with the soldiers nor admit them to the inns or private houses. The market-people were requested to sell provisions neither to officers nor soldiers. Increasing in boldness, the more violent proposed to drive the military from the city and break up the garrison. The more conservative of the former members of the patriotic organization seem to have taken no part in these proceedings, though they took no steps to check them.

Meanwhile, by summons from the mayor, all parties concerned in or witnesses to the affray of the 10th appeared before him. Major Brown denied the truth of the affidavits, but it was clearly proved that the soldiers were the aggressors in interfering with the setting up of the second pole. Major Brown gave bail. The military felt the need of further defense, and mounted guns at the entrance to their artillery barracks and on the ramparts of the fort. On the 24th Sir Henry Moore and General Carleton, lieutenant-governor of Canada, sailed for Albany. General Gage remained in the city, but distributed the regulars to their several districts, retaining only eighty artillerymen in New-York. Nevertheless, he urged on the engineering surveys of Captain Montresor on the defenses of the city and harbor, under enjoinment of secrecy, and, what is of more significance, ordered the preparation of "a military plan for passing through any country with an army." Montresor had served in America for twelve years, and was an officer of great merit. His journals, recently published by the New-York Historical Society, throw light upon the events of this interesting period. The withdrawal of the troops, on the one hand, and the decision of the court that the writs taken out against Major Brown were not actionable, for a while quieted the dissidents, or at least no outbreaks occurred. But on the night of Tuesday, September 23, the second liberty pole was cut down by persons unknown. The next day a third was erected in its place.

On Monday, September 29, John Cruger, who had held the office of mayor of the city for ten consecutive years from 1756 with the highest honor and respect, resigned the dignity, and Whitehead Hicks was appointed by the governor in his stead. On October 11, Governor Moore, who with Lady Moore had made a visit to Lake Champlain with Governor Carleton, returned to the city.[1] Immediately on his arrival from Albany, the governor met his council and summoned the general assembly, which had stood prorogued from July 3. They met on November 10, in obedience to the circular letter requiring their attendance; but the session was prorogued to November 15. The

[1] During his absence he had spent a few days with Captain Schuyler, and later with Sir William Johnson, at Schenectady. While engaged with General Carleton, in settling the boundaries between Canada and the New-York province, they were visited at the upper end of Lake Champlain by the Canawagha Indians living on the St. Lawrence, and the usual courtesies, gifts, and belts of wampum were exchanged. The English governors pledged themselves to respect their hunting rights.

governor addressed them in a cordial manner and, without allusion to any past or present grievances, announced the consent of the king to the "striking of Bills of Credit and issuing the same in lieu of money," and asked for an appropriation for the extension of the boundary line between the provinces of New-York and Quebec.

Yet between the summons of the governor and their session, still another serious disturbance was made by the soldiers, who, armed with bayonets, entered several houses of ill fame in the Fields, where they complained they had been ill-treated the night before. This was in October; and again, in November, a number of soldiers, said to belong to the forty-sixth regiment, entered the house of a cartman and, without provocation, cut and slashed him in a cruel manner. A soldier with blood-stained clothes was arrested and confined. In consequence of these troubles the magistrates publicly warned the inhabitants to sell no liquors to any soldier between the setting and rising of the sun, under heavy penalty of both fine and imprisonment.[1] On the day fixed for the session of the assembly important news arrived from England that William Pitt was made lord privy seal, with the title of Earl of Chatham; and word came also that the general toast in London was: "May the Earl of Chatham retain the integrity of Mr. Pitt." The pulse of New-York responded as usual to every touch of English sentiment.

The assembly, in reply to the governor's speech, sent in an address as cordial as his own, and as careful in the avoidance of any possible subjects of difference or discontent. Yet, only a few evenings later, there was again a serious riot between a party of sailors and a number of soldiers at a public house on the common, when one of the former was seriously, if not mortally, injured. Among the changes in the English ministry was the appointment of Lord Shelburne as secretary of the southern department, which included the British-American colonies. On November 18 Governor Moore sent in to the general assembly Shelburne's instructions to him of August 9, which contained this significant passage: "I am ordered to signify to you, at the same time, that it is the indispensable duty of his Majesty's Subjects in America to obey the Acts of the Legislature of Great Britain; the King both expects and requires a due and cheerful obedience to the same; and it cannot be doubted that his Majesty's Province of New-York, after the lenity so recently extended to America, will not fail duly to carry into execution the Act of Parliament, passed last session, for quartering his Majesty's troops, in the full extent and meaning of the Act, without referring to the usage of other parts of his Majesty's dominions, where the Legislature has thought fit to pre-

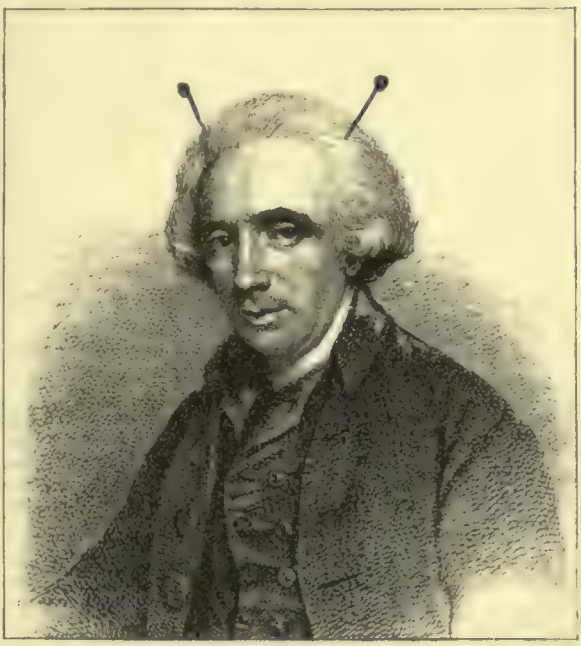
[1] Not many days later the law was enforced: a tavern-keeper was arrested, and the fine imposed.

scribe different regulations, &c." There was a gleam of consoling hope in the private news that "a plan of Lord Chatham for uniting the colonies with the Mother Country" would certainly be laid before parliament at the next session; but that Americans entirely appreciated the change in his position appears in a warning by Britannicus in the same journal in which this was announced, "that by quitting the House of Commons, Lord Chatham quitted his intrinsic power, and has no more now left than those who possess his Majesty's ear have a mind to give him."

The bombshell thrown in by the menacing instruction of Lord Shelburne came at an unfortunate moment, as a meeting of the merchants had been called at Burns's Long Room in the City Arms, for getting their signature to an important petition, prepared by the principal merchants, representing the grievances of trade of the colony; a meeting of which there appears no later notice. The meeting was called for November 28. The assembly was in no haste to lift the dangerous explosive contained in Shelburne's instruction. They only replied to the governor's address on December 15. In a firm but determined manner they refused to lay upon the colony the expense of quartering the regiments marching through their territory. They pleaded the provision made at the last session for quartering two battalions and a company of artillery as excessive compared with that made by their neighbors, and as an evidence of their loyalty; but the tone of the address is sufficient indication of their determination not to quarter any considerable force. The word they use, "non-compliance," admits of no two meanings. In answer Governor Moore simply declared his concern, and his intention to submit their sentiments to the secretary of state. The governor then summoned the assembly, who presented themselves with their several acts of the session, and were on December 19 prorogued to March 15, 1767. The bills contain no extra provision beyond the annual limited supply for the usual barracks, voted the preceding session.

The year 1767 opened with great suffering in England from short crops, and a great depression in trade in the colonies. The political situation in New-York was peaceful, Sir Henry Moore carefully avoiding all occasion of dissidence; but the people at large were intensely interested in the dispute in the Massachusetts colony between the governor and the legislature. Bernard, the governor, was a man of different temper from Moore, more tenacious of his own as well as of the king's authority. The sympathy with Boston was kept active by the constant exertion of such men as Isaac Sears, who was of New England birth, and the mechanics of the Presbyterian and Dutch Reformed belief, who were jealous of church as well as of state authorities. No further disturbances of the peace seem to have taken place.

On Wednesday, March 18, occurred the first anniversary of the repeal of the stamp act. The day was celebrated with enthusiasm. A great number of gentlemen dined at the King's Arms, to which the old keeper, Edward Barden, appears to have returned, Howard having been in possession the year before. The toasts were twenty-three in number, and, with one or two exceptions, in honor of the leading friends of America in parliament. On the night following the dinner there was a general illumination, but the harmony of the occasion was later marred. The liberty pole (the third, which stood on the common and which was inscribed to the king, Pitt, and liberty) was again cut down. The act was attributed to the soldiers. The next day a fourth mast was set up, larger and more substantial, and secured with iron to a considerable height above ground. Attempts were again made to cut it down and to undermine it by digging, but without effect. Three nights later there was an attempt to destroy it by gunpowder. The next night (Sunday) a strong watch was set by the citizens in a house near by, probably the King's Arms. A party of soldiers appeared with their coats turned, armed with bayonets and sticks, but without their guns. They were interrogated by the watch, and withdrew. The evening after a party of soldiers passed by the post and fired their muskets, two of the balls lodging in the walls of Barden's tavern. Still another attempt was made, but was frustrated by an officer. The government and city authorities now found it necessary to interfere.



Wm Smith

As the spring drew on, the aspect of American affairs in Great Britain grew dark and threatening. Private letters brought advices that the parliament would shortly take measures to enforce the billeting act, and the London merchants, alarmed at the outlook, allowed the packets for America to sail without cargo. It seemed certain that eight or nine regiments, with two detachments of artillery, were ready

to embark for New-York. The address of the New-York assembly was making "a great noise and disturbance throughout the Kingdom," and the petitions of the merchants were coldly received by parliament. The New-York assembly, after sundry prorogations, met at the City Hall on Tuesday, May 26. In his address opening the session, Governor Moore laid stress upon the limitations in the provisions for the supply of the king's troops, and recommended a further supply. In reply the house voted the sum of three thousand pounds, five hundred pounds less than that expended the previous year, but without the restrictions of their last supply. The sum voted was that prescribed by the act of parliament. The house adjourned on June 6. The king's birthday was this year celebrated with unusual solemnity. There were a review of the seventeenth and forty-sixth regiments and the artillery detachment by General Gage on the Battery, and a dinner at Fort George, where, at the toasts to his Majesty, a royal salute was fired, which was answered with twenty-one guns from the liberty pole, from which the Union Jack was flying. Toward the close of July the proceedings of the House of Commons of May 13 to May 18 reached New-York. They were certainly of an alarming nature. Of the 13th Bancroft says, "A more eventful day for England had not dawned in that century." On that day Townshend brought in his vote to punish the refractory colonies. The doors of the House of Commons were by special order shut against every agent of the colonies and every American merchant. The limitation of the New-York assembly to supplies for two regiments only, and those articles provided in other parts of his Majesty's dominions, and their renewed refusal in December, marked that province for special chastisement. Townshend moved that until New-York complied with the billeting act her governor should be ordered to assent to no legislation. A board of commissioners of the customs was to be stationed in America; a revenue to be raised on direct importations of wine, oil, and fruit from Spain and Portugal; and a duty to be laid on glass, paper, lead, colors, and especially on tea,—this revenue to be placed at the disposal of the king for the payment of the civil list, while governors and chief justices were to have fixed salaries. The friends of America endeavored to have the resolutions recommitted, but they were adopted on the night of the 16th without a division. On this occasion Burke prophesied that Great Britain would "never see a single shilling from America." Both the act of the disfranchisement of New-York and that of the duties were agreed to on May 26.

The disfranchisement of New-York was of little practical account, the assembly having complied with the requisition of parliament before the passage of the bill. But the purpose, the intention of it alarmed the colonies. It meant coercion. The revenue bill was more

immediately mischievous, but the news of its passage was shortly followed by the report that to prevent any further misunderstandings between the mother-country and the colonies the expediency of granting the Americans representatives in the British parliament would be considered immediately on the formation of a new administration, which was daily expected. French observers better understood the situation, Choiseul considering that the estrangement would break up the British colonial system. The first symptom of dissatisfaction with the new measures appeared in Boston, where, on October 28, the freeholders, at a great meeting in Faneuil Hall, over which James Otis presided, agreed to prevent the unnecessary importation of foreign commodities, especially of the duty-taxed articles, glass and paper, and to encourage American manufactures. The agreement was generally entered into, but the measure of retaliation was mild compared with the action in the stamp act controversy.

The New-York assembly met on November 17. The subject-matter of the governor's address was the pending dispute with the Massachusetts Bay colony as to the boundaries of the jurisdiction. The house agreed that unless the dispute were shortly settled in an amicable manner it would petition the king to intervene with a decision. A further supply of fifteen hundred pounds was voted for the king's troops. The assembly adjourned on February 6, 1768. A curious incident in their proceedings was their inquiry into the authorship of a pamphlet entitled "The Conduct of Cadwallader Colden, Esq., Lieutenant Governor of New-York, relating to the Judges' commissions, appeals to the King, and Stamp Duty." John Morin Scott, among others, was summoned before them. The pamphlet was a vindication of Colden's action, and was originally published in London, but a few copies being reprinted in New-York. It was held to contain reflections on the dignity of the assembly. It had been presented by the grand jury in October as a libelous reflection on the council, the assembly, and the courts of justice in the New-York province. Judge Livingston brought the matter before the assembly. No conclusion seems to have been reached until the close of the session, in which time the author had not been discovered. The lieutenant-governor had sulked in his tent ever since the arrival of Governor Moore, attending the meetings of the council-board only once, and not leaving his country-seat for the city. He was not idle, however, as is shown by his constant letters to Lord Mansfield, the Earl of Shelburne, the Earl of Halifax, and Lord Grenville, defending himself and abusing his enemies. In his list of enemies he includes the members of the council who were on the joint committee of inquiry—John Watts, Roger Morris, and William Smith, Jr. The assembly had finally relented, and ordered the payment of his arrears of salary, but declined to reimburse

him for the value of his coach; but he had long before this provided himself with a new post chariot from London. He was greatly pleased with it, and wrote there was not a "handsomer in this place."

The legal limit of the sessions of the assembly (seven years) being reached, it was dissolved by the governor on February 6, 1768, and on the 10th writs were issued for a new election, returnable on March 22, 1768. The polls were opened on Monday, the 6th, and the election was disputed with unexampled ardor until Friday evening, the 10th, when 1929 votes had been cast. The representatives chosen, in the order of the votes received, were Philip Livingston, who led the list with 1320 votes, James De Lancey, Jacob Walton, and James Jauncey; John Morin Scott received the highest of the opposition votes, but failed of an election. The election was proclaimed, but the session deferred by prorogation.

March 18, the third anniversary of the repeal of the stamp act, was again celebrated with zeal, the principal merchants on this occasion taking an active part. The friends of constitutional liberty and trade met at the tavern opposite the common, kept by Barden, and at Jones's, which are described as "nearly adjoining." Union flags were displayed. Among the toasts were "the spirited Assembly of Virginia in 1765; the spirited Assembly of Boston; May the merchants and tradesmen of this city [New-York] ever be firmly united to promote the true interest and prosperity of this Province"; and finally, "Unanimity to the Sons of Liberty in America." The occasion seems to have been one of entire harmony.

It would seem, indeed, that the merchants had taken fresh courage, for on April 8 twenty-four gentlemen engaged in foreign commerce met in the Long Room at the Queen's Head, or Fraunces' Tavern, on the corner of Broad and Dock (now Pearl) streets, then temporarily kept by Bolton and Sigell, and there formed themselves into a society which they styled the New-York Chamber of Commerce, electing as their officers: John Cruger, president; Hugh Wallace, vice-president; Elias Desbrosses, treasurer. This was the first mercantile society formed in the colonies, and the modest beginning of the important institution which has since maintained its organization without break, and to-day has a membership of one thousand of our principal merchants, and the finest gallery of merchant portraits on the American continent.

CHAPTER XI

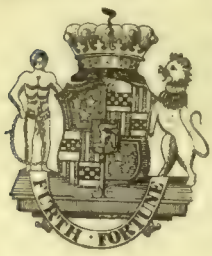
THE SECOND NON-IMPORTATION AGREEMENT, AND THE COMMITTEES OF CORRESPONDENCE AND OBSERVATION

1769–1775

THERE still was a feeling of uneasiness at the threatening measures of the ministry, which needed little to stimulate it into expression or activity. This was brought about by the action of the Boston merchants. On March 31, 1769, an anonymous advertisement in Holt's "New-York Journal" gave notice that a letter had been received from a committee of Boston merchants to the merchants of New-York which would be submitted to such as would gather that evening at Bolton and Sigell's (Fraunces') Tavern. A few gentlemen met as requested, but not in sufficient numbers to warrant action, and a second advertisement followed calling a meeting at the same place on the evening of April 7. Meanwhile a strong appeal, signed "A New-Yorker," urged an agreement to prevent the importation of European goods as before. This appeared on April 2, though sent to the journal for publication the week previous. It seems that at this second meeting a committee was appointed to arrange a second "non-importation agreement." This was in the form of a "voluntary engagement to each other that they will not sell on their own account or on commission, nor buy or sell for any person whatsoever, any goods [save a few enumerated articles] which shall be shipped from Great Britain after the first day of October next, until the Act of Parliament imposing duties on paper, glass, etc., be repealed; provided Boston and Philadelphia adopt similar resolutions by the first of June next." The committee of merchants who passed this agreement found hardly an importer who was not willing to subscribe.

Fraunces

From a communication to the journal of April 21, it seems that the merchants of Philadelphia were not in full accord as to the expediency of the plan. While the merchants still hesitated to put the retaliating scheme in operation, the answer of the Earl of Hillsborough, then lately appointed secretary of state for America, to the circular letter of the House of Representatives of the Massachusetts colony to the sister colonies, reached the city, dated at Whitehall, April 21. Its contents were known in Boston on June 24. It denounced the Massachusetts document as "of a most dangerous and factious tendency." With the text came rumors that the right of England to tax America was to be determined by the presence of a fleet and army. Some excitement had already occurred in New-York by the assumption by General Gage, as commander-in-chief, of precedency over Sir Henry Moore, the chief civil authority, which was, however, instantly decided in favor of the governor by Hillsborough, who declared that "nothing could be more foreign to his Majesty's intentions than the introducing a military government into his provinces in America upon the ruins of the civil power." Nevertheless the crown returned to its former policy, and in June Hillsborough notified the lords of trade that all of Shelburne's reforms in the business with the colonies were to be abrogated.



THE DUNMORE SEAL.

The colonies looked upon Hillsborough's April circular as an attempt to suppress all interchange of sentiments between the colonies, and to prevent their united prayers from reaching the king's ears, and they asserted the right of petition to the throne. Colony after colony appointed standing committees to petition the king and to correspond with Massachusetts and Virginia; and assembly after assembly declined to rescind their resolutions as demanded by Hills borough, and were prorogued by the governors. The people were moved as one man in resolution never to surrender their inherent rights and privileges. The agreement of non-importation had been very generally signed in New-York. As September 1 approached, a meeting of the merchants and traders was called at Bolton and Sigell's for the evening of August 25, for a further consideration.

The Sons of Liberty had already revived their organization in Boston at a great public meeting held on August 15, the anniversary of the first opposition in that town to the stamp act. They gathered at the liberty tree with music and high ceremony, and it appears from the account of the proceedings that the merchants, with greater unanimity than even in the time of the stamp act, had already agreed to import no duty-goods, with a few exceptions, from January 1, 1769, to January 1, 1770, and called upon the merchants of the other prov-

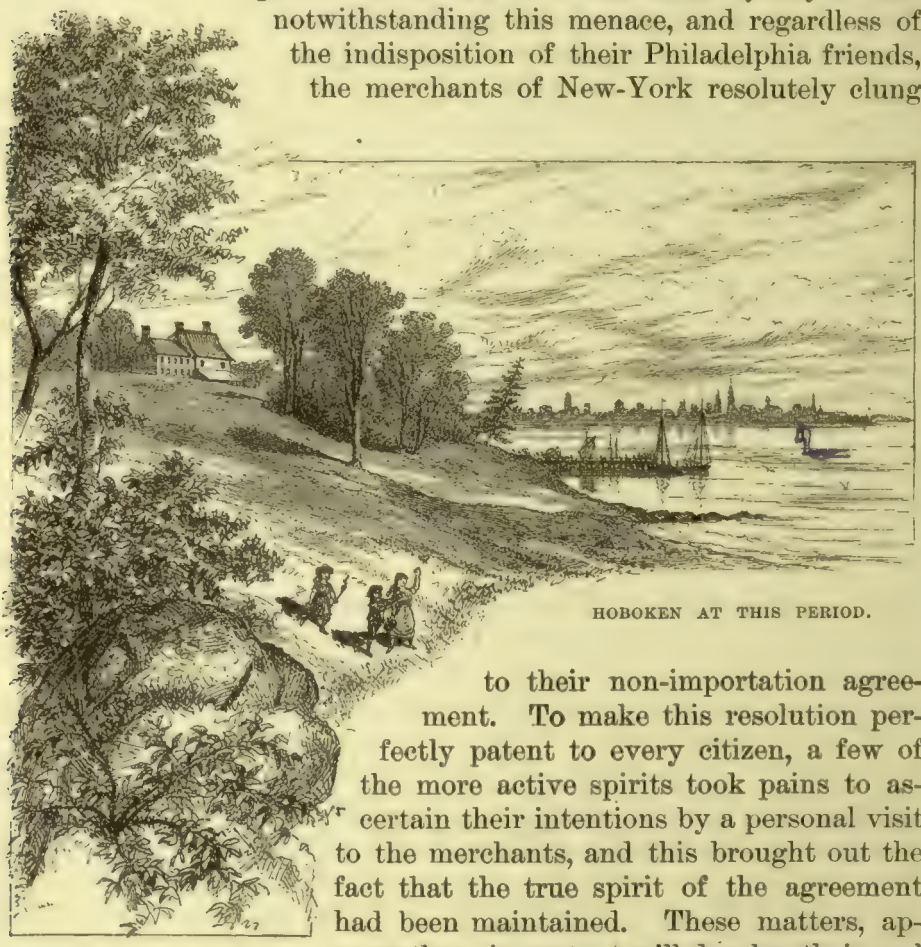
inces to act with as much patriotic disinterestedness. The merchants of New-York answered this summons at once, and engaged to countermand all orders that had gone out to Great Britain since the 16th of the month, and to seize and store all goods that might come in on consignment in contravention of their agreement. Nearly every merchant and trader in the city signed. The tradesmen signed on September 5. The shipping ports in New England quietly followed the example of Boston. Philadelphia was more deliberate. It was not till September 22 that her merchants were summoned to meet at the court-house.

S. Johnson

The tension of the situation increased daily. News reaching Boston that an armament was on its way to enforce submission, the selectmen of the town (the assembly being prorogued) notified all the towns of the colony to prepare for the emergency. On the 28th the squadron arrived from Halifax, with two regiments of regulars and artillery. On October 1 the men-of-war threatened the city from off the wharves, while the soldiers, about seven hundred in number, landed with their equipage and artillery, and marching through the city from the Long Wharf, encamped upon the common. That night they slept in Faneuil Hall, where were lodged the town arms of four hundred muskets. On October 3 the Boston people initiated their agreement to drink no more tea — one of the taxed articles. By the middle of October information came from Boston of the enforcement of the billeting act, Captain Montresor, who had returned from England as chief barrack-master of the ordnance for North America, having quartered the troops on several dwelling-houses as well as warehouses and sugar-houses. Governor Bernard having declined to summon the assembly, the province was under military rule. The troops, however, behaved with decency, and their parade on the common was without arms.

On October 27, pursuant to a call from Governor Moore, the New-York assembly met at the City Hall. New-York city was represented by Philip Livingston, James De Lancey, Jacob Walton, and James Jauncey. Three of these gentlemen were merchants, and had been elected on a straight division as against the lawyers. Philip Livingston was chosen speaker. There was nothing in the address of the assembly, nor in the brief reply of the governor, to attract any comment.

The main subject of interest now was the failure of the Philadelphia merchants to adopt the non-importation resolutions; it appearing that their disposition was frustrated by the refusal of a few dry-goods houses to join the compact. From Boston also came the news of quarrels in the streets between the soldiers and citizens,[1] and the reappearance on the scene of the Liberty boys. But notwithstanding this menace, and regardless of the indisposition of their Philadelphia friends, the merchants of New-York resolutely clung to their non-importation agreement. To make this resolution perfectly patent to every citizen, a few of the more active spirits took pains to ascertain their intentions by a personal visit to the merchants, and this brought out the fact that the true spirit of the agreement had been maintained. These matters, apparently unimportant, will develop their real importance as the struggle goes on; but on this very head the patriots of New-York have been often misrepresented.



HOBOKEN AT THIS PERIOD.

[1] These quarrels would not have occurred so frequently, or perhaps at all, and the "Boston massacre" might have been avoided, if General Gage had been superseded earlier than he was by Major-General Sir Frederick Haldimand, at this time colonel of the Royal American regiment of foot. As will appear later (p. 423), it was his opinion that in the agitations of those times British soldiers should be sparingly brought to the notice of American colonists, even in the latter's support of any scheme against fellow-colonists. It may be of interest to state just here that General Haldimand became governor of Canada after the Revolution, and that it was at his instance that Haldimand Castle or Château was constructed, an object of signal interest to all tourists visiting Quebec. Early in the present year the château was demolished, but, to judge from the Canadian journals, the regret which this should have caused is much lessened in the opinion of the people at the prospect "of having in its stead a magnificent, first-class hotel." EDITOR.

In November news came from Boston of the arrival of two more regiments, which were quartered on the town, and that in the spring they would be distributed over the New England seaports; but simultaneously advices from England reported probable changes in the cabinet, and a more satisfactory disposition of the troops in America, by their withdrawal from the more settled sections. On Monday, the 14th, the Sons of Liberty in New-York paraded the streets, with effigies of Bernard, the obnoxious governor of Massachusetts, and Greenleaf, the sheriff of Boston, and, after publicly exposing them in front of the Merchants' Coffee House, burned them there, with the applause of the spectators, and then quietly dispersed to their homes. Their intention being noised about during the day, troops appeared in arms about four o'clock in the afternoon, and patrolled the streets. Their purpose of intimidation failed, however, and no collision occurred. The magistrates had notice of the affair, and sent out the constables from the City Hall to prevent it, but, either by intention or deceived by the officers, they did not reach the scene till it was over; which seems strange, as the Coffee House corner was in full view from the City Hall. A lime-tree in the street in front of the Coffee House was the scene of the burning, and a constant place of rendezvous.

Alarmed, no doubt, at this repetition of the disorder of 1765, a great public meeting of the freeholders and freemen was called for Thursday, November 24, when instructions to the city members of the general assembly were adopted and signed by a large number of respectable citizens. These instructions called for a reading in the assembly of the Boston letter which had fallen under the censure of Lord Hillsborough, whose circular forbade an answer to that letter by the sister colonies — the letter, it will be remembered, inviting united measures to obtain redress of grievances.

The newspapers contain no information as to whether these resolutions were or were not presented. There is little doubt that they were. Meanwhile the governor sent in a special message to the assembly on the subject of the effigy-burning and the danger of a riot, and was answered that the disorders were not approved by the inhabitants nor by themselves, and that provision would be made for the money reward offered in his proclamation. An interesting incident in the history of this assembly was the charge of corruption brought by John Morin Scott, a defeated candidate, against James Jauncey. The assembly decided, by a vote of eighteen to three, that the charge was not proved, but by a similar majority refused to declare that it was frivolous, vexatious, and litigious. An act to prevent corruption in elections was, however, framed a few days later.

That the instructions of the meeting of freeholders were not disregarded appears by the spirited resolutions unanimously adopted

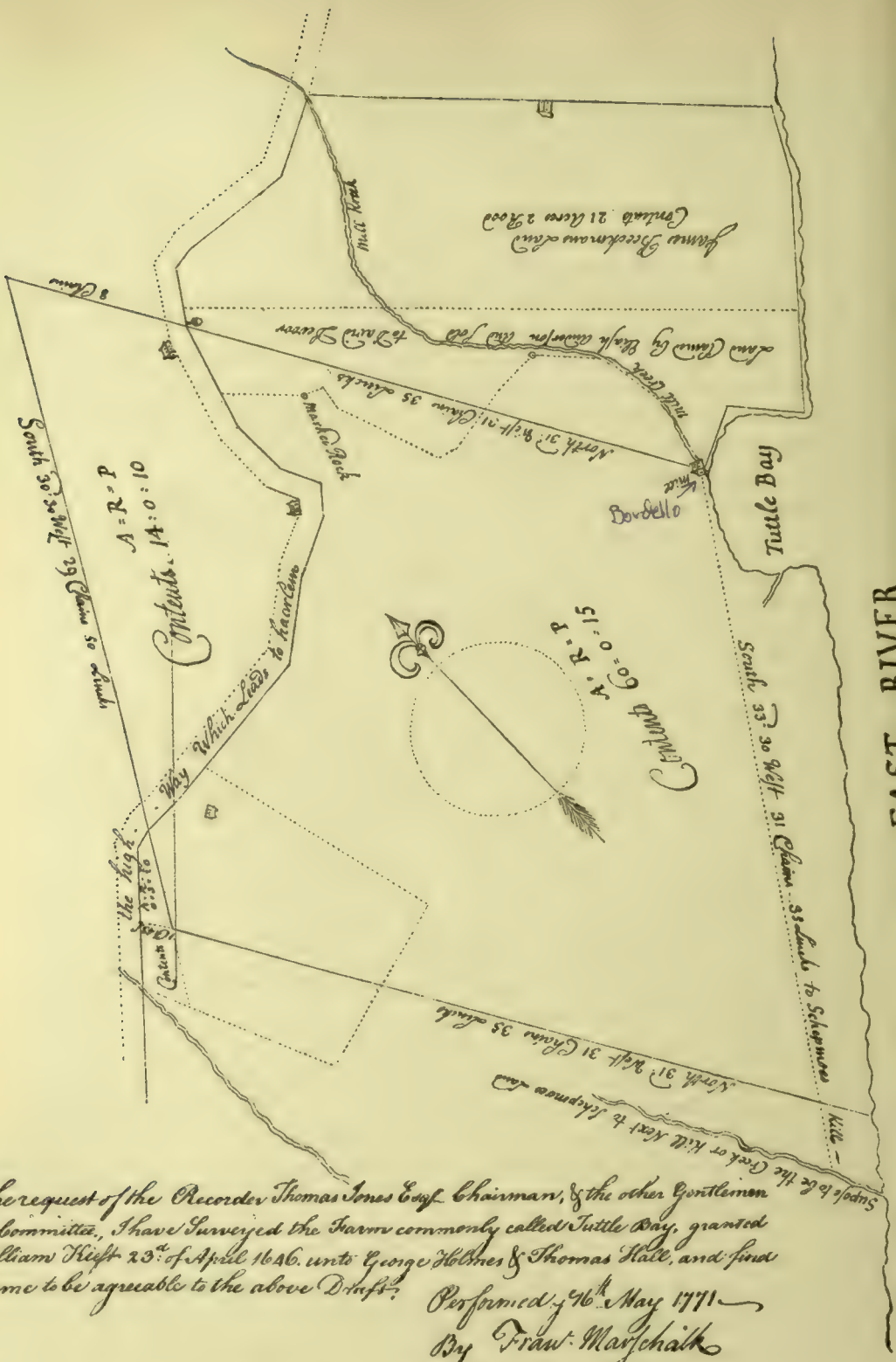
by the assembly, in committee of the whole, on December 31, 1768, in which they declared their belief in "an exact equality of rights among all his Majesty's subjects in the several parts of the empire; the right of petition, that of an internal legislature, and the undoubted right to correspond and consult with any of the neighboring colonies or with any other of his Majesty's subjects, outside of this colony, whenever they conceived the rights, liberties, interests or privileges of this house or its constituents to be affected," and they raised a Committee of Correspondence in accordance with this rightful demand. De Lancey endeavored to defeat the declaration of the right to correspond, by a general condemnation of the act of parliament suspending the legislature, but he only had the support of his kinsmen, the Jaunceys and Walton, and three others of the representatives. Inclined as Governor Moore was to a peaceful attitude, the boldness of these resolutions was more than he could bear. On January 2, 1769, he summoned the assembly and plainly told the representatives that their resolve had put it out of his power to continue it any longer. He expressed the kindest wishes, and formally dissolved the assembly.

The struggle for control of the next assembly began at once. It instantly assumed the character of a struggle between the citizens of the Church of England faith and those of the various denominations of dissenters. On Wednesday, the 4th, meetings of the opposite parties were held. Those in favor of the late representation met at the exchange; the dissenting party elsewhere, to the number of several hundred. Philip Livingston was solicited to run on each ticket, but, in view of the "violent heats and animosities" which seemed probable, declined to serve on either. The dissenters, who claimed to be the majority of the electors, had asked for the placing of two of their members on a general ticket, but, being refused this demand, had put in nomination Philip Livingston, Peter Van Brugh Livingston, Theodore Van Wyck, and John Morin Scott. The church party, which met at the exchange, nominated the old members and, in place of Philip Livingston, John Cruger, the late mayor. This meeting, which was held under the name of the freeholders and freemen, voted by acclamation their thanks to the late members for their spirited conduct. Cruger at once accepted the nomination. The sheriff issued his advertisement in pursuance of the king's writ on January 6, and the election was held on the green, near the workhouse on the common, on Monday, the 23d of the same month, when John Cruger, James De Lancey, Jacob Walton, and James Jauncey were returned. The dissenting party voted for Philip Livingston, but they fell well behind. The total poll was 1026 votes, De Lancey leading with 612. It seems just to believe that the meeting was determined by the resolve of the citizens to return to the assembly

their patriotic members. The gentlemen elected were escorted from the City Hall, with music and colors, down the Broadway, and "through the main street" (now Pearl street) to the Coffee House. "The windows were thronged with ladies, and the sight was one of the most agreeable ever seen in the city." The four gentlemen gave two hundred pounds sterling to the poor. In February, Philip Livingston was returned for the manor of Livingston, and Robert Livingston for Duchess County.

In March the merchants of New-York were gratified to hear that at last their fellows of Philadelphia were "about signing articles of non-importation of English goods"; and still further by the appointment of Hugh Wallace and Henry White, both merchants, to his Majesty's council of the New-York province. On March 9, a public notice declared the necessity of a "Committee to examine and inquire" as to the manner in which the non-importation agreement was kept, and called a meeting of the subscribers at Bolton and Sigell's Tavern for the 13th. At this meeting a committee of inspection was appointed to enforce the agreement, and the information given that the Philadelphia merchants were signing almost without exception. On Saturday, the 18th, the anniversary of the repeal of the Stamp Act, the Friends of Liberty and Trade met at Barden's Tavern in the Fields, and another company at Van de Water's, otherwise called Catemut's. This latter was the radical faction of the Sons of Liberty. Some demonstrations of accord made to the company met at Barden's were coldly received. Both of these entertainments began at two o'clock, and notice was given that the bill would be called at five. "The Liberty Colours," inscribed with "G. R. III. Liberty and Trade," were erected on the ancient liberty pole standing on the common. The "genuine Sons of Liberty," says Holt's account, assembled at the house of Edward Smith (this was Barden's Tavern) before described. The meeting at Van de Water's was probably of the mechanics. The usual toasts were drunk, with the addition on this occasion of one to the ninety-two members of the Massachusetts assembly who voted the famous Boston letter of the last year. The last was "Unanimity, Fidelity, and Perseverance to the Sons of Liberty in America." These

FRAUNCES' TAVERN.



At the request of the Recorder Thomas Jones Esqr. Chairman, & the other Gentlemen of the Committee, I have Surveyed the Farm commonly called Tuttle Bay, granted by William Kieft 23d. of April 1646. unto George Holmes & Thomas Hall, and find the same to be agreeable to the above Draft.

Performed 16th May 1771

By Franc. Marschalk

MAP OF THE EAST RIVER. (FROM THE ORIGINAL IN THE POSSESSION OF THE EDITOR.)

were drunk at Barden's. Those at Van de Water's were of the same general character.

On Tuesday, April 4, after sundry prorogations, the New-York assembly met in answer to the governor's summons, and organized the new session with the choice of John Cruger as their speaker. This, the twenty-fourth assembly, was the last of the colonial period, and is known in history as the Long Assembly. Its last sitting was on April 3, 1775, but its existence was maintained by adjournment till February 1, 1776. In his address the governor objected to the manner of appointment of an agent of the province in England, as against its interests. He then asked for a bill to supply the arrearage in the support of the troops and barracks. In their reply the assembly promised concurrence in any measure to make the office of London agent more effective. The response of the governor was even more brief. At the first meeting the assembly ordered that the petitions of the last session be spread upon the journal. They were a bold and clear assertion of the rights and privileges of the province as claimed and maintained from 1683, and a protest against the late acts of parliament as imposing taxes and raising revenue without their consent, and against the suspense of the legislative power until the quartering of the king's troops should be provided for. A few days later they addressed the governor, declining to change the mode of appointing agents to Great Britain, but pledging themselves to act in harmony with his views for his Majesty's service, to which the diplomatic governor replied with thanks for their good will, and without allusion to the subject in dispute.

On April 15, on motion of Philip Livingston, they passed a vote of thanks "to the merchants of the City and Colony for their repeated disinterested, public-spirited and patriotic conduct in declining the importation or receiving of goods from Great Britain until such acts of Parliament as the general assembly had declared unconstitutional and subversive of the rights and liberties of this Colony be repealed, and that Mr. Speaker signify the same to the merchants at their next monthly meeting." It appears by the records of the Chamber of Commerce that on May 2 the president of that body, John Cruger, who was also the speaker of the assembly, delivered the vote of thanks to the merchants assembled. This was the first meeting of the chamber in their new quarters, the large room over the Royal Exchange, which stood at the intersection of Broad and Dock (now Pearl) streets. Their previous meetings had been held in the Long Room of the Queen's Head (Fraunces') Tavern. After petitioning the governor to assent to the issue of one hundred and twenty thousand pounds in bills of credit, and voting the usual supply bills, the house was prorogued on May 25. A curious instance of the earnest desire for

home manufactures appears in a resolution of the Cordwainers' Society of the city, on April 13, to eat no lamb in their families till August 1. The Sons of Liberty, on the same day, at the Province Arms, subscribed to a similar agreement, the object being to increase the supply of wool. On the other hand, word came from Boston of the harassing searches by the new customs officials of the incoming vessels for spirits and tobacco, and the libeling of the vessels in admiralty. From Philadelphia came the disquieting information that there were breaches of the non-importation agreement, aggravated by an attempt to introduce the obnoxious articles into the New-York province. On the other hand, on the arrival of a vessel from London at New-York, in May, the merchants held a meeting and ordered the storage of the goods without the opening of a package. The merchant who offended by receiving the goods from Philadelphia was compelled to return them, and made humble confession and engagement for the future in the public prints. During the summer the city was agitated by contradictory news from Great Britain, some of the letters predicting an early repeal of the revenue acts, others warning the Americans that there was no such purpose entertained by the ministry, and that the rumors were set on foot to influence the colonies to abandon their restrictions on trade. It was very certain, however, that the almost complete cessation of trade, now that the southern colonies had all come into the non-importation agreement, was causing great distress in England, and as much among the friends as the enemies of America.

On September 11 the city was in deep distress at the death in Fort George of their respected—it may almost be said beloved—governor, Sir Henry Moore. From his arrival at the height of the stamp-act excitement, in 1765, he had borne himself with dignity, and had known how to maintain the prerogative of the crown and at the same time to conciliate the most determined asserters of American rights. The next day his remains were interred in the chancel of Trinity Church. The funeral services were conducted with striking solemnity. Sir Henry Moore died at three o'clock in the afternoon. Lieutenant-Governor Colden was at his country-seat, Spring Hill, near Flushing, Long Island (which he does not seem to have left during Sir Henry Moore's government). He came to town at once, and on September 13 took the usual oaths as lieutenant-governor and commander-in-chief. Watts wrote to General Monckton: "He fairly lives himself into office, being, they tell me, as hearty as when you knew him. . . . The old man seems to be the Son of fortune in his advanced years." On November 1, the anniversary of the day on which the people of New-York "determined not to surrender their rights to any power, however august," the Sons of Liberty met at Barden's Tavern, which had now

passed into the hands of Abraham De La Montanye, and celebrated the occasion with great rejoicing. Colden had already issued circular letters summoning the assembly for November 21.

In his address Colden announced that there was the greatest probability that the late duties which had caused such dissatisfaction would be taken off at the next session of parliament, and that the trade with the Indians would be left to the direction of the colonies. He called for the arrearage of the supplies to the troops. On the other hand, the Sons of Liberty had recommended that the example of South Carolina and Massachusetts of refusing all supplies for the king's troops should be followed in New-York. The assembly answered in a grateful manner, and harmony seemed about to be restored between Colden and the assembly. Not so with the people. On the 18th of December the mayor of the city, Whitehead Hicks,[1] delivered to John Cruger, the speaker of the house, a printed paper addressed to the "betrayed inhabitants of the City and Colony of New-York," which in the sharpest terms reproved the assembly for voting the supplies to the king's troops, and, accusing them of betraying the common cause of liberty, demanded that they follow the example of the Massachusetts and South Carolina assemblies. The address closed with a summons to the Fields the next Monday, where they would learn the wishes of their constituents. It was signed "A Son of Liberty." The next day the entire house, Colonel Schuyler alone voting in the nega-

Whitehead Hicks

[1] The Quaker family of Hicks first came to America in 1641, and settled on Long Island, where the village of Hicksville, in Queens County, still bears witness to their presence. There were three brothers — Thomas, John, and Robert. From the oldest of these Mayor Whitehead Hicks was descended. He was born on August 24, 1728, studied law in the office of William Smith, Sr., and was admitted to practice in 1750, settling in New-York and marrying the daughter of John Brevoort, a prominent citizen. In the month of October, 1766, when Mr. Hicks was only thirty-eight years old, he received the appointment to the mayoralty, which he held for the rather unusually long period of ten years. At the breaking out of the Revolution he felt that the position had become untenable for him. "Mr. Hicks, it is believed, was in favor of independence; but being surrounded with difficulties, owing to the difference between his political sentiments, and his relation to the government, which was still in the hands of the English, he resigned in the early part of the year 1776, and was appointed Judge of the Supreme Court of this province." But as the war advanced, and especially when the occupation of New-York by the British seemed permanent, he retired to his farm at Bayside, Long Island, where he died on October 4, 1780, in the prime of life. Our portrait is copied from the original painting in the possession of his descendant, Buchanan Winthrop, Esq., of New-York. EDITOR.

tive, resolved to consider whether it was or was not "an infamous and scandalous libel." It was so resolved to be, no one voting to the contrary, and the lieutenant-governor was requested to issue a proclamation of a reward of one hundred pounds for the discovery of the author. A second paper, which described the action of the assembly as "base, inglorious conduct," was also produced, signed "Legion," which likewise invited the assembly to meet with the people at La Montanye's in the Fields. This, too, was pronounced "infamous and seditious," and the lieutenant-governor was invited to offer a reward of fifty pounds for the discovery of the author. The proclamation was duly issued and widely circulated.

The meeting in the Fields on Monday, the 18th, at noon, was large, not less than fourteen hundred people attending. The vote of the assembly granting money for the troops was discussed and denounced, and a committee of eight was appointed to present the sentiments of the meeting to the city representation in the assembly. The committee named were Jacobus Van Zandt, John Lamb, Isaac Sears, Samuel Broome, James Van Vaurk, Erasmus Williams, Caspar Wistar, Thomas Franklin, Jr., John Thurman, and Alexander McDougall. Thurman declined to serve, but the remainder of the committee presented the resolutions of the meeting. On the 25th the assembly replied by summoning to the bar of the house John Lamb, who had proposed the resolution at the meeting in the Fields, to answer for libel. Whereupon all the other members of the committee published a card assuming their share of the responsibility. Lamb attended in obedience to the summons, and, on his declaration that his action at the meeting was not based on the printed libels signed "A Son of Liberty" and "Legion," he was dismissed. Thus closed the eventful but indecisive and anxious year 1769.

The bad feeling between the king's troops and the citizens had steadily increased. The upper barracks of the soldiers were in the common, and the presence of the liberty pole was a constant reminder to them of their discomfiture in 1765. On the night of January 13, 1770, a number of men belonging to the sixteenth regiment of foot, quartered in the city, made an attempt to cut down the pole by sawing off the spars and blowing it up. Their attempt failing, they drew their bayonets, and entering La Montanye's tavern opposite, broke the windows, seventy-six squares, and assailed the host himself in one of the passages of the tavern. Their officers appearing on the scene, they withdrew to their barracks. Still another cause of grievance was the employment of the soldiers by the inhabitants, which was held to be an injury to the poor of the city. A meeting was called at the liberty pole for January 17, when about two thousand persons assembled. Attempts had been made on the nights of the 14th, 15th, and 16th to

cut down the pole. On the 16th the soldiers succeeded in its entire destruction, not stopping until they sawed it into pieces and piled them up before La Montanye's door. The citizens were incensed, and resolved that any soldier found in the night having arms, or out of barracks after roll-call, though unarmed, yet behaving in an insulting manner, should be treated as an enemy to the peace of the city.

THE LUDLOW HOUSE.

The next day, January 18, a scurrilous placard was posted through the city, signed "The Sixteenth Regiment of Foot," impugning the character and motives of the Sons of Liberty, and defying the citizens. Three of the soldiers, caught posting one of these papers at the Fly Market, were seized by Isaac Sears, Walter Quackenbos, and some others, and carried before the mayor. A number of armed soldiers came up from the fort barracks, and, drawing their swords and bayonets, demanded the release of their companions. The mayor appeared and ordered them to their quarters. They, after some hesitation, moved up the Fly, followed by the magistrate and a large body of citizens to the corner of Golden Hill (now John street), between Cliff street and Burling Slip. Here the soldiers turned, and, the order being given to draw, they attacked the citizens, some of whom defended themselves with clubs and canes. Several of the soldiers were disarmed, but not injured. Later in the day, after the action on Golden Hill, still another party of soldiers appeared in the Fly, and another collision took place, which the magistrates, assisted by some of the officers, put a stop to. This affair has been claimed to be the "first conflict of the war of the American Revolution." One of the citizens was killed, three wounded, and a large number injured. Many of the soldiers were badly beaten. The next day, January 20, the troubles were renewed, soldiers and sailors joining in an attack on the citizens at the head of Chapel street (now the lower end of West Broadway), and in the afternoon still another serious conflict took place on the common, when the soldiers were driven to their barracks. The patriots were again, as before, divided into two parties—or perhaps it may more properly be said classes—the "Sons of Liberty" and the "Friends of Liberty and Trade." As early as February 6 the Sons of Liberty issued an invitation to celebrate the repeal of the Stamp Act at La Montanye's tavern, but were met by a card from that host to the effect that his house had been engaged long before, and, as it

appears, to the Friends of Liberty and Trade. Disappointed in their purpose, the Sons of Liberty announced on the 15th the purchase of "the corner house on the Broadway, near Liberty Pole, lately kept by Edward Smith." This henceforth was the headquarters of the organization, and was known as Hampden Hall. Immediately after the destruction of the liberty pole (the fourth), a committee of five, representing a large body of citizens, waited on the mayor and corporation with a petition for leave to erect a pole "sacred to constitutional liberty on the site of the old pole"; but the request was refused, whereupon "a small slip of land eleven feet wide and one hundred feet long, an undivided right, near where the former pole stood, was found to be private property and immediately purchased for the purpose, and a large mast erected. It was about forty-six feet high, and was surmounted by a topmast twenty-two feet high on which was fixed a gilt vane with the word Liberty upon it." There was great rejoicing, and no disturbance on the part of the soldiers.

After the dismissal of Lamb from the bar of the house, the authorities arrested James Parker, the supposed printer of the libelous placard. He was examined by the lieutenant-governor and council at the fort, and on certain information obtained from him Alexander McDougall was arrested as the author of the paper. Taken before the chief justice, he refused to give bail, and was committed to prison in the new jail on the common. His case was somewhat similar to that of John Wilkes, whose imprisonment as the author of the famous article in the "North Briton" had aroused the attention of England and of all her dependencies. The number of the "North Briton" in which his paper appeared was forty-five. It had already become a watch-word in America. McDougall was hailed as the American Wilkes. Crowds gathered at the jail, and on being asked their names, announced themselves as the forty-five. Such was the enthusiasm that the prisoner had to issue a public card giving the hours of three to six in the afternoon as those on which he would receive his friends. On March 19, the anniversary of the repeal of the Stamp Act was celebrated in accordance with the calls; at the new tavern of the Sons of Liberty Wilkes and McDougall were toasted, forty-five toasts were drunk, and after dinner the whole company marched in procession to the jail and saluted the martyr to the liberty of the press with forty-five cheers. This was the forty-fifth day of his confinement.

A few nights after (Saturday, March 24), about eleven o'clock, a party of fifteen soldiers was discovered attempting to unship the topmast and the vane from the liberty pole. Some youths, interfering, were driven from the green. The news spreading through the city, some fourteen or fifteen citizens appeared on the green, but were forced to retreat to the tavern of the Sons of Liberty; they were fol-

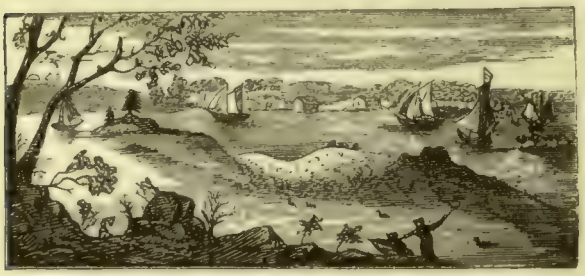
lowed by a part of the soldiers, who attempted to force an entrance, but were successfully resisted by the keeper, Captain Bicker, with his bayonet, till the house was made fast. The ringing of the chapel bell precipitated the retreat of the soldiers, and Colonel Robertson, their commanding officer, watched through the night at the barracks to prevent further mischief. A guard was now set about the pole and watch kept till May 3, when the sixteenth regiment sailed in transports to Pensacola. They had sworn to carry off some part of the pole as a trophy, but their purpose was frustrated. On March 13 the Chamber of Commerce was granted a charter by Lieutenant-Governor Colden. The members of this body mainly sympathized with the views of the Friends of Liberty and Trade, who met at La Montanye's, but the name of Colden was not admissible as a toast at Hampden Hall. At the April term of the court, McDougall, who had been indicted by the grand jury for libel, was brought to the bar, pleaded not guilty, and was admitted to bail.

THE LORD NORTH MEDAL.

While, under the vigilant eyes of the Sons of Liberty, the non-importation agreement was strictly enforced in New-York, rumors came in of its infringement by the neighboring colonies. A London letter of October 3, 1769, said: "For seven years past there had not arrived so many commodities of British fabric as in the present year." On March 5, 1770, Lord North stated in the House of Commons, in the debate on the petition of the merchants and traders of the city of London trading to North America: "New-York has kept strictly to its agreements, but the infractions of them by the people of Boston show that they will soon come to nothing." A distinguished American, in a letter from London on April 16, wrote that "had the non-importation agreement been as virtuously observed throughout America as it had been in New-York, the whole of the revenue act would have been repealed this Session of Parliament"; and still another letter of April 14 confirms the view: "Happy would it have been had the other colonies imitated the firmness and integrity of New-York, who it does not appear have in any respect infringed their agreement." Lord North was right. New-York could not long endure the unequal sacrifice. On May 15 the Philadelphia committee announced their intention of relaxing the agreement, and considered that the taking off by parliament of the duties on paper, glass, and paints was a

favorable juncture to show a friendly spirit to the mother-country. On the 18th following, the Albany committee announced their intention to void their articles of non-importation entered into the preceding summer, except as to tea.

New-York, whose cardinal policy had always been the security of American liberty by the union of the colonies in a general congress, now by the committee of correspondence addressed circular letters to the several cities of the colonies, inviting them to send six deputies to Norwalk, Connecticut, to meet the same number from New-York, Boston, Connecticut, Philadelphia, and such other places as chose to be represented; the delegates to have power "to adopt one general system for the benefit of the whole." New-York had seen the folly of agreements without the existence of some power to enforce them alike upon all. Here was the germ of the American Union and our present government. The congress was called for June 18. The proposal was read in Boston on June 7, and again debated on the 9th, when they unanimously resolved to adhere to the non-importation agreement and to decline sending delegates to the proposed congress. The merchants of Providence followed the action of Boston; those of Philadelphia preferred the old plan of committees of correspondence; those of Essex, New Jersey, regretted that the proposal had been made because of the non-importation resolutions.

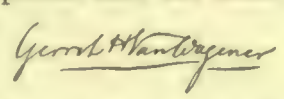


HELL GATE. (FROM AN OLD DUTCH PRINT.)

Failing in this effort, and soured by the defection from the resolutions, especially at Boston, a number of merchants, on June 11, waited on the New-York committee and desired that the sense of the city should be taken by subscription as to whether "the agreement should continue to apply to all articles, or only to tea and other goods subject to duty." The subscription was taken, when a great majority (3000 to 1154) appeared for the proposed alteration, pending the response of Boston and Philadelphia, when in case of non-agreement the sense of the city was to be again taken. On July 5 answers were received from these cities refusing to amend the agreement.

The committee of inspection in New-York at this time was composed of Isaac Low, Thomas William Moore, Henry Remsen, Jr., John Harris Cruger, John Thurman, Jr., Thomas Walton, Peter T. Curtenius, Hubert Van Wagenen, Joseph Bull, Edward Laight, Charles McEvers, James Desbrosses, Jr., John Alsop, John Broome,

William Neilson, Theodorus Van Wyck, Walter Franklin, John Murray, Jacob Walton, Theophylact Bache, Thomas Franklin, Jr., Samuel Verplanck, Isaac Sears, and Peter Van der Voort. Sears and Van der Voort, dissatisfied with the decision of the committee, resigned their positions on June 14, and on the 20th proposed a declaration of adherence to the original agreement. Sears was the recognized representative of the New England interest in the city. On July 9 the answers of Boston and Philadelphia were made public and the sense of the city again taken, when it was resolved to adhere to their resolution of June 11. Messengers were at once sent to Boston and Philadelphia, that the merchants of those cities might avail themselves of the London packet to sail from New-York on July 14, or that for Liverpool of the same date. Nothing could be more fair.



Thus New-York withdrew from the second non-importation agreement. Philadelphia and Boston passed indignant resolutions charging New-York with "a desertion and betrayal of the common cause." To all this outcry New-York turned a deaf ear. To Boston her committee replied that "instead of entering into a number of ostentatious resolutions to religiously observe their agreements those gentlemen would have been more commendably employed had they taken effectual measures to carry those resolutions into execution, and that it would have been better for them if they had acted up to the principles they had pretended to avow, and if instead of resolving what to do they had done what they resolved." Philadelphia followed the example of New-York, and resolved on September 24 to renew importations except on dutiable goods. Boston still held out, but at last, on October 11, came into the general resolution to resume importation of everything except tea. So ended the second non-importation agreement, except as to tea. History has vindicated the conduct of New-York and the correctness of the judgment of Lord North. Mr. Bancroft, in his third volume, says: "Canada, Carolina, and Georgia, and even Maryland and Virginia, had increased their importations, and New England and Pennsylvania had imported nearly one half as much as usual. New-York alone had been perfectly true to its engagements; and its imports had fallen off more than five parts in six. It was impatient of a system of renunciation which was so unequally kept; and the belief was common that if the others had adhered to it as strictly all the grievances would have been redressed."[1] Yet in the failure of this commercial scheme the colonies learned the lesson of union, and the experience of 1770 prepared the way for a general acquiescence in the assumption of power by the Continental Congress, by which alone American independence was finally achieved.

[1] "History of the United States," 3 : 386 (ed. 1883).

It was during this exciting period that the memorial statues ordered by the assembly were received from London. The equestrian statue of George III. was set up with great ceremony in the Bowling Green, opposite Fort George, on August 16, the anniversary of the birthday of Frederick, the Prince of Wales. This statue was of lead richly gilt. It was thrown down and broken to pieces on July 9, 1776, by the citizens and American troops on the proclamation of independence. On September 7, 1770, the statue of Pitt was set up on the pedestal prepared for it in Wall street, at the junction of that street and Smith (now William) street. This was mutilated, the head being removed by the British troops during the occupation of the city. Both were considered fine works of art, and were executed, as has been stated, by the noted sculptor Joseph Wilton of London.

While these ceremonies were carried on, the arrival of John Murray, Earl of Dunmore, who had been appointed governor of the New-York province on the death of Sir Henry Moore, was daily expected. He reached the city in his Majesty's ship Tweed on October 18, and was greeted with an expression of general joy. Dinners and balls were given, and the city was illuminated. Even the "gentlemen of Hampden Hall," as the Sons of Liberty were now styled, joined in the festivities, and celebrated the event with a great bonfire on the common, attended by the largest concourse of citizens ever gathered in the city.[1] Thus closes another episode in the long official life of Lieutenant-Governor Colden. The aged functionary again drops the reins of government, but still maintains his correspondence with the home authorities, adhering to the last, with true Scotch tenacity, to autocratic rule and the king's prerogative.

The Earl of Dunmore, on October 24, 1770, advised the Earl of Hillsborough, secretary of state for American affairs, of his arrival. He said that he had the greatest reason to be pleased with the reception he had met with, and from the good humor that now appears he conceived hopes of an easy and peaceful administration. Only a few days before his arrival, Lieutenant-Governor Colden, who was never easily satisfied, had written to the same dignitary "that now all kinds of rioting is greatly discouraged"; and that he hoped to deliver up the administration not only in tranquillity, but with a prevailing disposition in the people to support the government. Colden's next letter, of November 10, was more characteristic. The king had authorized Dunmore to take a "moiety of the perquisites and emoluments of the government of New-York from the date of his Commission to the time

[1] The earl landed at the Whitehall about three in the afternoon. He was accompanied by Sir William Draper, Lord Drummond, the commander of the Tweed, and Captain Foy, his lordship's secretary. Holt's journal announced the marriage of Sir William Draper, Knight of the Bath, to Miss Susanna, daughter of Oliver De Lancey, Esq., on October 13. The presumption is that Sir William met the earl at the Hook or the Whitehall ferry stairs.

of his arrival." Such a demand had not been made in fifty years. Governor Monckton had made no such claim, nor yet Sir Henry Moore. The old gentleman was quite prolix in his protest and his dissatisfaction that he had not been "suffered to continue to administer the affairs of the province after his long and often dangerous service." In reply to Colden's refusal to "stand and deliver" the moiety already received by him, Lord Dunmore ordered the attorney-general to file a bill in chancery, in the king's name, for the recovery; the earl, in his communication with the home government, taking the position that if Colden be allowed to retain any part of the money, it should be as a reward from his Majesty. Dunmore, according to Colden, acted by the advice of William Smith, the younger, in bringing the suit in equity, the governor himself being the sole judge in the chancery court. The case was heard in Dunmore's own house, in January. The attorney-general and Mr. Smith supported the bill; James Duane appeared for Colden with a demurrer. Arguments were closed in March, and a day set by Dunmore for the rendering of a decree. Before the day set arrived the governor called in the four judges of the Supreme Court and asked their opinion.[1] The learned judges sustained the demurrer in a written opinion. Dunmore was persistent, and Colden himself was not satisfied. Colden sent the arguments in the case to Dr. William Samuel Johnson of Connecticut, who was then in London, for representation to the ministry, and in the transmittal designated the governor as "a capricious ignorant Lord." Dunmore declared his intention of doing the same thing; neither party was in favor of the Earl of Hillsborough's proposal of a compromise. After Dunmore's transfer to Virginia in the autumn, the matter seems to have been dropped, Colden judiciously stopping all further action in the matter of petition or otherwise in London, preferring to let the subject sleep rather than awaken the ire of Dunmore's friends in the ministry. In any other case he would, without any doubt, have fought for the very last shilling.

THE RUTHERFORD AND AXTELL HOUSES.

There was assuredly no exaggeration in the accounts of the governor and lieutenant-governor of the harmony which prevailed in the

[1] Horsmanden, though very infirm, was still chief justice. The three associate or puisne judges were: David Jones, Robert R. Livingston, and George Duncan Ludlow. Livingston and Ludlow were very particular in their opinions, which declared salaries to be recompense for labor performed, and not bounties by the king, and fixed by law; and that the king can do nothing contrary to law. This was the true American doctrine. John Taber Kempe was at this time attorney-general for the province.

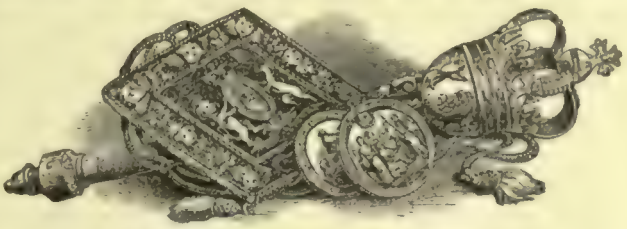
city. Even the gentlemen of Hampden Hall (the Sons of Liberty), at a dinner given on his arrival, toasted the earl with the sentiment, "a total abolition of all party-spirit by the just and equal administration of the Earl of Dunmore." The same night the gentlemen of the town dined at Bolton's.[1] The various religious persuasions, without exception, made haste to welcome the new ruler. On the same day (October 25) addresses were presented by the rector and inhabitants of the city of New-York in communion with the Church of England; the ministers, elders, and deacons of the United Presbyterian churches in the city of New-York in communion with the Church of Scotland; the ministers, elders, and deacons of the Reformed Protestant Dutch Church; and the ministers and churchwardens and vestrymen of the ancient Lutheran Church. In the daily increasing divergence between those of the Church of England faith and the dissenting element, there was as yet no difference in the extent of their loyalty to the king as chief of the state. The chamber of commerce in a body, the president, Hugh Wallace, at their head, waited on the new governor with a loyal address of congratulation.

That on the withdrawal of Colden to his country-seat, as was his wont on the arrival of each new governor, he was bidden farewell by all respectable branches of the community, there is his own direct testimony. To his administration, after Sir Henry Moore's death, he ascribed the rescinding of the non-importation agreement, and he wrote Hillsborough in December, 1770, that "after Lord Dunmore's arrival the principal and most respected merchants, to the number of fifty-six, when they knew that I intended to retire to the country, came in a body and thanked me for my administration. By the influence of these merchants the resolution to import from Great Britain was carried. The Ministers, Church Wardens, Vestry, and other principal members of the Church of England in the city did the like; and since I left the town I have been informed that other distinguished bodies designed to have made me the like compliments had I not left the place sooner than was expected."[2] There is no doubt that Colden's abilities were held in high esteem, and that he had the respect of the community as well as their veneration for his age and long service in high station; but there is no justification for his complacent assertion that his influence was of any avail in the resolution to rescind the non-importation agreement. The lieutenant-governor was not given to underrating himself.

[1] Bolton had dissolved his partnership with Sigell in May preceding, leaving the Queen's Head to Sam Fraunces, who at once refitted it. He (Bolton) had succeeded George Burns in the Province (or City) Arms on the Broadway.

[2] The merchants, grateful for Colden's gift of a royal charter in the spring of 1770, ordered a full-length portrait of him for their new hall of the chamber of commerce in the Royal Exchange, painted by Matthew Pratt, a pupil of Benjamin West, at a cost of £37. This specimen of colonial art adorns the hall of the chamber at the present time, after many vicissitudes, but in perfect preservation.

Dunmore on his arrival found the assembly prorogued to November 7, and by advice of the council further prorogued it to December 11. In his address opening the session he congratulated himself on his appointment to the command of the province "whose example has been the happy means of renewing that mutual intercourse between the Mother Country and her colonies which is so much the interest of both to preserve uninterrupted." He added: "This salutary reconciliation effected by the people of this province cannot fail of endearing them in a particular manner to our most gracious Sovereign." The principal business to which he invited their attention was the very probable declaration of war by Great Britain against Spain, whose subjects had forcibly dispossessed the Englishmen of their settlement at Fort Egmont in the Falkland Islands, and the consideration of what was required for the protection of New-York against a sudden attack. The assembly replied with a dutiful address by their speaker, John Cruger, engaging themselves to early measures for the protection desired.



THE SCEPTER AND SEAL OF GEORGE III.

Lord Dunmore reported the city to be in a most defenseless state; the works which from time to time had been erected for its protection "as so injudiciously constructed that were they still in good repair they would afford but little security to the place; and though there is a considerable number of cannon in a disorderly manner laying on these works, no care having been taken of them, many of them must be unfit for service, and their carriages are all entirely useless." He had already consulted with the council, but it had been decided that the frosts had been too severe for any labor on the earthworks, and it was held that the same extreme weather would prevent any approach of the enemy. In December, the Earl of Hillsborough notified all the governors in America of the orders of parliament to increase the army by an additional light company to every battalion, and of twenty men to every company, on the British establishment, and urged the utmost energy and despatch in the recruitment. Before these instructions arrived, however, New-York was, as usual when a war was in prospect, in a military fever. In January, 1771, a body of German Protestants, animated, no doubt, by hatred of the pope as well as by zeal for the reformed religion, tendered their services as soldiers.

On February 28 the December packet brought out the king's repeal of four acts passed by the New-York assembly in 1767, 1768, and 1769. Dunmore wrote home that he had published the disallowance, but

that the "whole Province except the lawyers express great dissatisfaction." These acts were: 1st, that of December, 1767, declaring that the several acts of parliament passed since the establishment of the New-York legislature extended to this colony. It will be remembered that the claim of the British ministry was that parliament had the right to rule the colonies by exceptional laws. The immediate offense was in the billeting act, which was not applied to other parts of the empire. 2d, that of December, 1768, empowering the city authorities to try causes under ten pounds value; and 3d, for preventing suits being brought in the Supreme Court for sums under fifty pounds. This was satisfactory to the lawyers, but the people preferred the practice to which they were accustomed, and especially with regard to petty actions. The 4th act disallowed by the king was of a different nature. The act of May, 1699, regulating elections of representatives in general assembly, expressly declared that "they which shall be chosen shall be dwelling and resident within the cities, counties and manors" which they were to represent. At the election of February, 1769, Philip Livingston was returned for the manor of Livingston. He had been the speaker of the last assembly, and as such had signed the bold declarations and petitions to the king and parliament for which that assembly was dissolved by Governor Moore. He had taken his seat, and was the only representative of this powerful and popular family. In April he was dismissed by the assembly as a non-resident of the manor, notwithstanding the remonstrance and petitions of the freeholders of the manor. On the motion of Livingston, while yet allowed his seat, a bill had been introduced to vacate the seat of every present or future member of the assembly who should accept of any post or place of honor, profit, or trust, after his being elected to serve in general assembly. When the bill came up it was radically changed, and it was unanimously resolved (May 17, 1769) that "whereas it is not constitutional in England for the judges of either England or Scotland to sit or vote in the House of Commons, therefore that no judge of the Supreme Court shall for the future have a seat or vote as a member of the house." A motion of Colonel Schuyler, that "no member, present or future, holding any such post of profit or honour shall have a seat," was postponed. The objection of the assembly was the power of the judges, through use or abuse of their official position on the bench, to secure their election and continuance in their seats: another instance of the deep-rooted idea of the separation of government

GUINEA OF GEORGE III.[1]

[1] The above is copied from a golden guinea issued in 1771, and in that year presented by an ancestor of the Editor on the occasion of his engagement, in accordance with a custom which prevailed at that time. Almost a century later it was again used for the same purpose by his descendant, the Editor of this work.

into three distinct fundamental parts, the executive, the legislative, and the judiciary.

During this session the assembly declined to vote the arrearages for the supply of the troops, but granted one thousand pounds for the general repairs to the fort and the battery, pending further news as to hostilities with Spain. The house, however, granted two thousand pounds for the troops quartered for the year, and as usual voted an allowance to the governor for his yearly salary of two thousand pounds. But on hearing of this proceeding, Lord Dunmore sent in a message to the effect that, the king having appointed him a salary out of his treasury, he was not at liberty to receive it from the assembly. The action of the assembly does not appear to have greatly disturbed the Earl of Hillsborough, except as to the arrearages, though by the time the acts reached him the war scare was over. On February 16, the assembly, having completed necessary legislation, were anxious for a recess, but Dunmore, uncertain as to the war issue, preferred their adjournment. They met again on February 25, and finally, on March 4, were prorogued, first to March 11, and again to August 7, before which time a change took place in the government of the province. The December packet, which had brought over the general instructions to the governors, also brought to the Earl of Dunmore the pleasing intelligence that he had been promoted by the king to the government of Virginia, to fill the post vacant by the recent death of Lord Botetourt. He looked upon it as a signal mark of favor. Dunmore was invited to dine with the chamber of commerce, and it is presumable that the feast was held, as all the dignitaries of the province were included in the invitation. The sixth regiment of infantry was on duty, and its officers, Colonel John Scott (with the rank of major-general), Lieutenant-Colonel D. Templer, and Major Charles Preston, were also present.

GOVERNOR CLINTON'S RESIDENCE.[1]

In May, 1769, the council concurring, an act to explain and amend the act of 1699 (2 William III.) regulating elections was passed. The governor signed this bill the next day. The text of this act does not

[1] This was formerly the De Peyster house, standing in Queen (now Pearl) street, opposite Cedar street. For illustration of the house in its original condition, see page 37 of this volume.

appear in any of the bound volumes of New-York laws. It was annulled by the king, December 9, 1770. Its purpose was presumably to carry out the resolution of the assembly excluding judges of the Supreme Court from their body. In December, 1769, Robert R. Livingston presented an indenture showing his election as a representative of the manor of Livingston, returned the 8th of the same month, but he was refused admission under the provisions of the act of May, because he was at the time judge of the Supreme Court. In January, 1771, Judge Livingston again appeared and demanded a seat, but the house by a large majority declined to admit him. The house was jealous of its authority. In January, 1770, it passed a bill that all elections of representatives should be by ballot only. This also had been repealed by the king on June 6, and proclamation made by Colden in August of the same year.

THE BOSTON MASSACRE. (FROM AN OLD PRINT.)

There was one important incident of personal and, in a manner, of political interest in the proceedings of this assembly. On December, 13, 1770, McDougall, who was out on bail from his imprisonment for the alleged libel of December, 1769, was summoned to the bar of the house. Attending, and being asked as to whether he was the author of the paper, he declined to answer,—first, because the assembly had declared it a libel; and secondly, because he was at the time under prosecution by the Supreme Court. He was declared in contempt, and, refusing to ask "pardon of the House for the said contempt," was ordered into custody of the sergeant-at-arms to be lodged in the common jail. In January, 1770, the house was informed by the high sheriff that he had been served with a writ of habeas corpus for the person of McDougall, issued by the Supreme Court; whereupon the house ordered notice to be given to the judges that he was committed on the authority of the house. Some question of authority arising, the house ordered search of the journals of the Commons for precedents in similar cases. An elaborate historical search was made from the year 1604, and may be found on the jour-

nals. No further record appears of action in the McDougall case, and the house soon adjourned. McDougall from the new jail on December 22, 1770, delivered an elaborate vindication of his action, which appeared in Holt's journal of January 24 and January 31, 1771. He was still in jail when the assembly was adjourned. It was not until April 17 that, after nearly a year's imprisonment, on demand of John Morin Scott, his counsel, Captain McDougall was discharged on his recognizance and was released from prison. The assembly was censured by the press, but in veiled terms. The king's speech on the opening of parliament reached New-York on January 17. He expressed satisfaction with the general departure in the colonies from "combinations which were calculated to distress the commerce of this kingdom," but also his discontent with the unwarrantable practices and lawless violence in the Massachusetts Bay. The same packet brought news of the death of George Grenville of his Majesty's privy council, author of the objectionable legislation of the British parliament as to the colonial rule.

While the people at large and the Sons of Liberty were in full sympathy with McDougall in his confinement, they were reconciled to the assembly somewhat by their action in refusing the arrearages for the barracks. The Sons of Liberty, or rather such of the old organization as still gathered about Hampden Hall, as early as February 21, 1771, issued a notice to all the Friends of Liberty, "that ample provision would be made for the celebration of the 18th of March, the anniversary of the Repeal of the Stamp Act, with proper festivity and decency." The day passed without excitement. At the Hampden Hall dinner the usual toasts were drunk, including one to "the Liberty of the Press," which McDougall was held to represent; and another more directly pertinent to his case before the assembly: "No answer to interrogatories when tending to accuse the person interrogated." Parker's "Post Boy" gave notice of a similar entertainment at De La Montanye's, where the more conservative class met the year before; but there is no record of its having been given. It probably was not.

St. George's Day, April 23, was also celebrated with unusual ceremony. One hundred and twenty gentlemen sat down at the Province Arms, and as guests of honor the Earl of Dunmore, General Gage, and all the other dignitaries, civil, military, and naval. On May 27 the earl attended the commencement of King's College at Trinity Church. The Latin oration was by Clement Cooke Clarke, on "Moderation." Gouverneur Morris discoursed in English on "Love." The king's birthday, June 4, was also observed "with the usual demonstrations of Joy, with toasts and discharges of artillery at the fort, on board his Majesty's ships in the harbour, the Deal Castle, Captain Jacobs, the armed Schooner St. John, Captain Murray, and other vessels in the

harbour." The twenty-sixth regiment and the train of artillery appeared under arms "without the city," where they fired salutes. There was a difference in the amount of military force displayed, and in the manner of its display, from that of past years.

On Monday, July 8, William Tryon, the newly appointed governor of the province, arrived in the sloop Sukey in five days from Newbern, North Carolina, with his wife and daughter. He was visited on the sloop by the Earl of Dunmore, and, accompanied by him, landed at the Whitehall stairs under salute from the battery, being there received by the council and the gentlemen of the city, and escorted to the fort. The next day his commission was published with the usual ceremonies and entertainments, and the city was in the evening illuminated. Addresses were delivered by the several bodies corporate, but the assembly was already some months prorogued. The journals were filled with these addresses and Tryon's replies. On September 8, according to Parker's "Post Boy," the Earl of Dunmore, "our late worthy Governor," set out from New-York for his government of Virginia. He had returned to the city from a visit to Albany a few days previously. He took barge for the Jersey shore at the Whitehall ferry, amid the firing of salutes from the Battery guns. He reached Philadelphia on the 12th, and, leaving that city on the 15th, arrived at Williamsburg, the seat of the government of Virginia, on the 26th. His delay at New-York after receiving his appointment had somewhat chafed the proud Virginians, and he frankly owned in one of his addresses that he had conceived a sincere affection for the people of New-York and really desired to remain at that post.

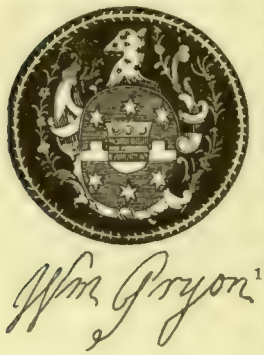
The stay of Dunmore in New-York was so short and his rule so uneventful in one of the quiet intervals of this stormy period that it is not easy to form any opinion of the impression he left behind him at this time. Colden condemned him as "capricious." Burk, in his history of Virginia, says of him that "though harsh and unprepossessing in his manners his Lordship had decided talents and an ability for diplomacy upon which the English Court placed some reliance." Elsewhere he speaks of "his haughty spirit," and Wirt, in his "Patrick Henry," describes him as "coarse in his person, rude in his manners and unscrupulous in his morals; he wanted the courtesy, the refinement, the sensitive love of justice possessed by his predecessor (Lord Botetourt) in so eminent a degree." He evidently regretted New-York, and did not win a welcome from the Virginians. If it be permitted to form an independent judgment at this day from his acts and his letters to the home government, he must be held as a wise and prudent official. He seems to have recognized the free, fearless spirit of the New-York province and to have tempered his authority with moderation and kindness. Tryon, in one of his ad-

dresses, expresses his hope to approach the truly honorable principles of his predecessor. Better for Dunmore's historic fame had he continued that moderation in his new command.

Lieutenant-General William Tryon received a commission as captain of the first regiment of foot-guards in 1751, and in 1758 became captain and lieutenant-colonel in the guards. He had influence at court, and was in 1764 made lieutenant-governor of North Carolina, and on the death of Governor Dobbs, in 1765, was gazetted governor of that province. From a letter of Dunmore to the Earl of Hillsborough, written July 9, the day after Tryon's arrival in New-York, it appears that Hillsborough had intimated an exchange of the two governments, but that Tryon was at first unwilling, though he afterward acquiesced in the exchange, and, as has been seen, at once assumed the reins of government. The hesitation must have been on some details, as to instructions perhaps, as Tryon, in his letter to Hillsborough of the same date, states that he arrived in New-York "in pursuance of his Majesty's commands." In a postscript he mentions meeting, in New-York, Mr. Martin, who had been appointed to the North Carolina government. Tryon arrived with a prestige for vigor and conduct, having in person led his forces in the summary suppression of the formidable insurrection of the "regulators," as they styled themselves, in North Carolina in the month of June preceding. Still opinions were divided, some reports stating that he had "broken up peaceful settlements to their ruin and depopulated a large part of the province," while others held, as was published in the New-York province, that "Colonel Tryon had done more for the support of Government in North America than all the Governors in it"; and further, that had not "that most dangerous and daring rebellion that has happened in this age been quelled by him, a

ST. PAUL'S CHURCH.

universal revolt would have succeeded in all the colonies." The year closed without any matter of public interest except the news that Dunmore had dissolved the Virginia assembly and that there was no talk of a further meeting. He had issued the proclamation of the king forbidding the committee of that assembly to meet with those of any other governments.



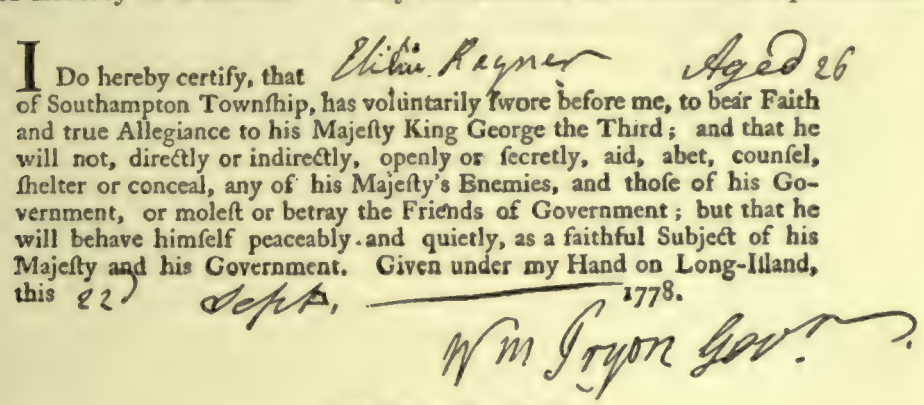
Wm Tryon[1]

On January 7, 1772, the New-York assembly met after sundry prorogations from March 4, 1771. In his speech opening the session, Governor Tryon ascribed his appointment to the king's leave, in consequence of his own health and that of his family impaired by a southern climate. He alluded to the revolt, the suppression of which had delayed his immediate repair to his new seat of government. Being without any special commands from the king, he confined his requests to the framing of a proper militia bill and a thorough repair of the fortifications of the city, defaced by storms and time, and the supplies and support bills. In their address in reply, the house express their satisfaction with his appointment, and their feeling for Dunmore, "who justly merited our affection and applause." There was no more to be said. One of its earliest acts was to define the residence of a representative, as far as eligibility was concerned, to be six months before the writ of summons. In February Judge Livingston again appeared and demanded to sit for the manor, and was again refused. The supplies to the troops were granted without dispute, and one thousand pounds besides to make good a deficiency in the grant of January, 1770, which occurred because of the failure of the loan-office act. The assembly voted the governor the usual salary of two thousand pounds, but were at once notified by him, by special message inclosing a copy of the king's instructions, that he was forbidden to consent to any law granting either to himself, the commander-in-chief, or the president of the council, any gift or present whatever. This was in accordance with the precedent in Dunmore's case. The policy of the home government had changed, but that of the province was as inflexible as their own: the policy of independence and the control of the purse in the old Whig fashion. In his opening message the governor recommended to their consideration the claims of the society recently established, that of the New-York Hospital. The session passed off smoothly, without friction between the legislative and

1 "I am sorry to say," writes Admiral Sir George Tryon from Malta, "that I know of no existing miniature or portrait of my ancestor William Tryon, who was Governor of New-York. On a previous occasion I endeavored to find one, but without success. I greatly regret it, for I am proud to think that I had an ancestor in America, in the early part of its history, who was of some use in his day, and who was respected by both sides, as I believe he was." EDITOR.

executive, and the assembly was finally prorogued on March 24 till May 4, and did not meet again until 1773.

The repeal of the stamp act was again celebrated in March, 1772, with an entertainment at De La Montanye's tavern, which, it will be remembered, was now the rendezvous of the more conservative class. Their toasts indicate the moderation of their sentiments. Two are significant: "Loyalty, Unanimity, and Perseverance to the true Sons of Liberty in America." "May the authors of Discord and promoters


I Do hereby certify, that Elisha Rayner Aged 26 of Southampton Townſhip, has voluntarily ſwore before me, to bear Faith and true Allegiance to his Majeſty King George the Third; and that he will not, directly or indirectly, openly or ſecretly, aid, abet, counſel, ſhelter or conceal, any of his Majeſty's Enemies, and thoſe of his Government, or moleſt or betray the Friends of Government; but that he will behave himſelf peaceably and quietly, as a faithful Subject of his Majeſty and his Government. Given under my Hand on Long-Iſland, this 22 Sept, 1778.
Wm Tryon Gov.

THE TRYON CERTIFICATE.

of intestine feuds meet with their just demerits." No doubt the gentlemen of Hampden Hall met in festivity, but Holt makes no mention of it. While there seems to have been a general feeling of gratitude for the services which Pitt had rendered to the colonial cause, it does not seem to have been universal. In 1772 occurred the first "defacement of the Statue." Holt mentions it in a characteristic news item:[1]

> A truth on a late exploit. Oh tempora! Oh mores!
> Here Black Guards in safety exhibit such wit
> As scandal abuse or demolishing Pitt.
> See his Statue.

The soldiery appear to have behaved themselves with such propriety as to merit comment. Noticing the departure of the last four companies of the twenty-sixth regiment for Albany, on their way to the Montreal station, the patriot journal says: "To do justice to the officers and private men of this regiment we can affirm that during their residence in this city they have behaved with such order and decorum as gave universal satisfaction to the inhabitants." They were relieved by a detachment of the twenty-first regiment, or the Royal North British Fusileers, commanded by Major Southerland. The first division of this regiment left the city for Quebec on June 5, and three companies of the sixtieth regiment, or Royal Americans, arriving from

[1] Holt's "New-York Journal," May 21, 1772.

Quebec, took their place in the New-York garrison. The last of the twenty-first was moved to Quebec at the close of the month, and two companies of the royal artillery were marched to Hempstead Plains for a summer encampment. In the spring the Irish portion of the population, which was of considerable importance, especially in the walks of trade, were interested by the melancholy accounts of the condition of the northern counties of that island, which were represented to be in the greatest confusion; and early in June by news of a bloody collision in which the king's troops were defeated; of which a regiment destined for America was a part. All England was reported in the greatest distress.[1]

In November the second battalion of the sixtieth or royal American regiment, under the command of Major George Etherington, embarked for Antigua, leaving behind them, wherever stationed, "an extraordinary good character." In the same month there was a brilliant review of the two companies of his Excellency the governor's guards, commanded by the lieutenant-colonel, John Harris Cruger,[2] and Major William Walton, in the Fields. The town was delighted with their handsome uniform, their good discipline and drill, and their gallant appearance. In the evening they supped at the Province Arms, then under Hull's management. Tryon had just ordered the publication of a new system of military discipline, "Manual exercises, prepared by Colonel Guy Johnson, Adjutant-General for the northern district." In response to Tryon's opening message, the assembly, on March 24, 1772, had passed an act establishing a militia. Nine companies were raised, amounting to seven hundred men, of which three were artillery. They were clothed, armed, and accoutred at the expense of their officers, who were gentlemen of the first families and distinction. In December there was another general review, in the Fields, of seven independent companies of the militia, formed into a battalion in the following order: The grenadiers, two companies of the governor's guards, the rangers, the Germans, one of the companies of the artillery, and the light infantry. The review was witnessed by "a splen-

[1] The king's birthday was celebrated with the usual formality and with a display of curious fireworks in the evening before the fort gate — a departure from the ordinary bonfire and window illumination; but there is no notice of any exceptional demonstrations of loyalty on the part of the people in general.

[2] Cruger was later celebrated for his successful defense of "Post Ninety-Six" in the Carolinas against the attack of the patriot General Greene.

did Assembly of the principal Ladies and Gentlemen." After the review the officers were entertained by the governor. Tryon wrote to Lord Dartmouth that "it was the most brilliant militia review that ever was had within his Majesty's American dominions." Dartmouth did not oppose this measure, which he held to be a "very constitutional establishment," but he did not encourage it. Perhaps he foresaw the danger of encouraging a military spirit in the colonies, now that the French were out of possession and the Indians at peace. He thought that the useful arts ought to be cultivated in times of "so great public tranquillity." Tryon felt the coldness of the response. In June following he sent to Dartmouth an abstract of the state of the militia in the province, by which it appears there were twenty-six regiments, and eleven troops of light horse, of which one regiment and one troop were in New-York County. Oliver De Lancey, who had made himself so obnoxious to Governor Clinton after the latter's quarrel with his brother James, was colonel-in-chief of the southern district.

Governor Tryon seems to have had little trouble in the government of the province in the long recess of the assembly. Yet he felt himself called upon to excuse to the home government his course in not interfering in behalf of Judge Livingston's right to sit in the house, on the plea that he could not have publicly interfered without dissolving the assembly in case of non-compliance, of which he was privately assured, the majority being determined on his exclusion. He had warned the speaker of the consequences which might ensue under instructions from the king in his sovereign displeasure, but received no encouragement from him. John Cruger was the speaker of this the last colonial assembly. Tryon expressed his intention to keep "clear as possible of parties," as he found that all denominations were "affectionate and loyal subjects to his Majesty." This word denominations seems to explain this controversy, and to show that it had degenerated into a contest between the high churchmen and the dissenters, of whom Livingston was in a sense the chief. Otherwise it is not easy to understand how such a stanch supporter of popular rights should, as Tryon says in his letter to Hillsborough of June 4, 1772, have himself "solicited his Majesty to dissolve the Assembly." In July and August Tryon paid a visit to the Indian country. He also, like his predecessors, bore witness to the wonderful "influence of Sir William Johnson over the tribes, and the steadfast loyalty of the Mohawks." Of this nation he says: "They appear to be actuated as a community by principles of rectitude that would do honor to the most civilized nations. Indeed, they are in a civilized state, and many of them good farmers." A conference was held at Johnson Hall with the Canajoharie tribe during this visit. At the close of August the governor was again in New-York city.

In August, the Earl of Dartmouth was appointed one of his Majesty's principal secretaries of state, and charged with all the business relating to the colonies. To him Judge Livingston appealed in November with an elaborate argument in defense of his claim for a seat in the assembly. For four years after his appointment as judge by General Monckton he had sat as representative, and now in three years had five times been chosen and refused admission. He then applied for the office of chief justice on a new appointment, Horsmanden, as has been stated, being far advanced in years. He declared with some pride that in all the warmth of his struggle with the assembly no objection had ever been made to him on account of his behavior as a judge. In December, Colden again returns to the charge. He writes to Dartmouth that now, after fifty years' service in his Majesty's council, and twelve as lieutenant-governor, he was neglected by the New-York administration — "not only neglected, but even, My Lord, marked by measures that indicate displeasure." He closes by saying that he was now near the end of his eighty-five years; that the period of his days could not be distant, and asked for a salary as lieutenant-governor to "recompense his losses" during the stamp-act troubles, "the same to commence on October 18, 1770, the day that Lord Dunmore arrived here." Alas! the old gentleman's appeal was unavailing; Lord Dartmouth returning him a prompt and decided refusal to recommend it to the king.

The excitement of the year came from the eastward, and sprang out of the arbitrary conduct of the commanding officer of the Gaspee, a British revenue schooner, in the Narragansett waters. In his correspondence with the governor of Rhode Island, he added insolence to his officious exactions, and he was marked for punishment. His vessel running aground in the bay, she was boarded by Captain Whipple with a band of volunteers raised in Providence by beat of drum, the crew driven below, and the insolent officer wounded. In the morning he was set on shore and the Gaspee burned. Large rewards were offered in England for the arrest of the offenders and their removal to England for trial, but this demand was disregarded, and even the prosecutions undertaken were dropped. Hutchinson of Massachusetts proposed the annulling of the charter of Rhode Island. New-York, still chafing under the non-importation imbroglio with New England, quietly awaited the issue. The entire continent was in an expectant attitude, Dartmouth not having as yet shown his hand.

The assembly met, after several prorogations, on January 5, 1773, a year which will be found of more eventful interest than its immediate predecessors. The session continued until March 8 following. The journal contains but little of interest. Without specific recommendations from the home government, Tryon had but little to ask of

the New-York legislature. He congratulated the assembly "on the present flourishing state of this country and the good order, industry, and unanimity among its inhabitants." The Livingston controversy disappears. Eight hundred pounds were voted for the supplies of the king's troops quartered in the colonies "with necessaries"; and on a message from the governor that this was inadequate, on a close division, which was decided by the speaker's vote, two hundred pounds were added. Moreover, four hundred pounds were voted for repairs of the city barracks, and three hundred pounds for the purchase of short brass six-pounder field-pieces, and one thousand pounds of gunpowder for Fort George and the battery. It is well here to note that there was a minority in the house opposed to granting any moneys for supplies to the king's troops. No salary appears to have been voted to the governor, but allowances for firewood and candles in Fort George (four hundred pounds), and the reimbursement of moneys advanced by him for running the Canada boundary from Lake Champlain to the Connecticut. In his letters to Dartmouth, Tryon declared the practical impossibility of carrying out the recommendation of the board of trade as to the land in controversy between the New-York province and the Massachusetts Bay, from which he foresaw little trouble, their interests not clashing; yet he invited an early decision by the king in the matter of the Hampshire grants, to which the Bennington settlers had declared their readiness to submit. Tryon entered upon more dangerous ground when he urged the earl to permit the governors to appoint chaplains of the Church of England, with a salary from the crown.

A COLONIAL WATCH.

The line of jurisdiction between New-York and the Massachusetts Bay was settled in June by a conference at Hartford; which Tryon attended, and in an agreement which was approved by the king. The New Hampshire grant difference assumed such alarming proportions that in September the governor was compelled to call upon Major-General Haldimand[1] for troops to protect New-York settlers under New-York titles in the disputed territory. Haldimand replied that in his opinion, in the present circumstances in America, it appeared to him of a dangerous tendency to employ regular troops where there are militia laws, but that still he would consent should the governor persist in his

[1] Colonel of the Royal American regiment of foot in New-York. General Gage, after a grand entertainment to the merchants and the military gentlemen, at the Province Arms, had sailed in June for England.

demand. The matter being referred to Dartmouth, he answered that the king did not "think fit that his Majesty's troops should be drawn out in aid of the civil power in the colonies unless in cases of absolute and unavoidable necessity," and disapproved of the requisition. Holt has no notice of the celebration of the anniversary of the stamp act this year; but the independent companies of militia were received on the king's birthday, after which General Gage gave the entertainment alluded to. Sailing a few days later, he carried with him the respect and the attachment of the citizens. He embarked on the Earl of Dunmore, at Murray's wharf (foot of Wall street), under salute of nineteen guns and a similar salute from the battery. General Haldimand left his command at Pensacola on April 23, and succeeded General Gage in the general command of the king's forces in North America. He resided in the house Gage had occupied in Broad street.

In June word was received that all the New England governments had concurred with the assembly of Virginia in the appointment of committees of correspondence for the preservation of their rights and liberties. Hutchinson in Massachusetts and Dunmore in Virginia had strained the cord too tightly. Hutchinson had declared that he knew no line that could be drawn between the supreme authority of parliament and the total independence of the colonies; Dunmore and the Virginia assembly were in no better accord. The House of Burgesses of Virginia took up the common cause, and directed, in so many words, her committee of correspondence "to watch Britain, and communicate with the other colonies." New-York, under a milder, more temperate, and less exasperating government, waited quietly the course of events. Her assembly was already prorogued, so that no answer could be made to the summons of Virginia. In July the twenty-third regiment of Welsh Fusileers, Colonel Bernard, arrived from England, and were reviewed by General Haldimand on the plain near the shipyard on the East River. They wore sprigs of oak-leaves in their hats in memory of the battle of Minden, where they distinguished themselves. The same month two companies of the royal train of artillery embarked for England in transports at the watering-place (Staten Island). In September the newly appointed governor of the New-York Hospital attended Tryon from the fort to the Ranelagh garden, between Reade and Duane streets, where the corner-stone of that well-known building, which long adorned Broadway, was laid.

In August the East India Company applied to parliament for license to export tea duty free to America, under the act of parliament authorizing it. They at first hesitated; but history recites that Lord North urged their action, saying, "It is to no purpose making objections, for the King will have it so. The King means to try the question with America." That New-York was still loyal appears by the cele-

bration of September 22, Coronation Day, by a review of the militia on the green near the liberty pole.

The news of the determination of the East India Company to send to each of the cities of Philadelphia, New-York, and Boston six hundred chests of tea for sale at vendue, or storage in warehouses, reached New-York on October 7. It was stated in the London advices that it was a scheme of Lord North to trick the colonies into an acknowledgment of the right of England to impose taxes on them. The next issue of the journal of Holt, under the title of "Alarm," in an article signed "Hampden," informed the people of the corruption by which the new charter of the East India Company had been carried through parliament. Just as before, however, advices came from London that the Earl of Dartmouth had proposed an abolishment of the various governments, and their consolidation into one, with New-York for a metropolis, each province to be represented,—the old plan attributed to, but probably never entertained by, Pitt. On the 14th, Holt published a letter from "Scævola" to the commissioners of the East India Company for the sale of tea in America. It compared them with the stamp-masters, and warned them that the freemen of America would never give a sanction to their office. "Hampden" followed in the next issue with a letter headed "Alarm," and "Philoleutheros" with a savage invective: "Do not hesitate, do not deliberate, then, what course to pursue, till you have kindled a flame of resentment which nothing but your blood may be able to extinguish."

Samuel Auchmuty

On Friday, October 15, in accordance with the call of a printed advertisement, a meeting was held at noon at the Coffee House to agree upon a measure of thanks to the captains of the London ships trading with the port of New-York for their refusal to take the East India Company's tea on board; a duty having been laid on it by parliament, payable in America on importation. A letter of thanks was agreed upon. The Philadelphians on the 16th, at a public meeting held at the State House, agreed upon a patriotic declaration of rights and "to prevent a violation of them by the importation of tea." On October 28 later advices from London gave information that the East

India Company had determined on sending out three vessels with tea. Again letters in the journals kept alive the popular resentment. "Alarm," in the issue of November 11, recapitulated in detail the action of the merchants under the resolution of June 12, 1770, and that of the rescinding of this agreement, except as to the importation of tea. On November 3, Tryon informed the Earl of Dartmouth of the "tumult in the minds of the citizens," but expressed his opinion that the peace of the city would be preserved. The next day news arrived from Boston that the people had ordered the attendance at the liberty tree of the consignees of tea expected at that port, but that their summons had been treated with contempt. On November 29 a handbill was issued in New-York announcing the formation of an "Association under the name and style of the Sons of Liberty of New-York," and "that the subscribers engaged faithfully to observe and perform the following resolutions:

THE MACOMB MANSION.

1st. *Resolved*, that whoever shall aid or abet or in any manner assist in the introduction of Tea from any place whatsoever into this Colony while it is subject by a British act of Parliament to the payment of a duty for the purpose of raising a revenue in America, he shall be deemed an enemy to the Liberties of America.

2d. *Resolved*, that whoever shall be aiding or assisting in the landing or carting of such Tea from any ship or vessel or shall hire any house store-house or cellar or any place whatsoever to deposit the Tea subject to a duty as aforesaid, he shall be deemed an enemy to the Liberties of America.

3d. *Resolved*, that whoever shall sell or buy or in any manner contribute to the sale or purchase of Tea subject to a duty as aforesaid or shall aid or abet in the transporting such Tea by land or water from this city until the 7th George III Chapter 46 commonly called the Revenue Act, shall be totally and clearly repealed, he shall be deemed an enemy to the Liberties of America.

4th. *Resolved*, that whether the duties on Tea imposed by this act be paid in Great Britain or in America our liberties are equally affected.

5th. *Resolved*, that who ever shall transgress any of these resolutions we will not deal with or employ or have any connection with him."

On the back of this handbill or circular appeared a letter or appeal dated December 4, signed by the committee of association, and addressed to "the Friends of Liberty and Trade of the City and County of New-York," which therefore is the first positive evidence that this rival and, as before stated, more conservative class had a corporate

existence. The letter called the attention of the latter body to a letter signed "Rusticus," of November 27, which was ascribed to John Dickinson of Pennsylvania, the author of the famous papers of the Pennsylvania farmers, inviting a union of all classes in a quiet but determined resistance, and beseeching harmony. The committee invited signatures to the agreement of the association.

It having been reported that Henry White, merchant and member of the council, Abraham Lott, and Mr. Benjamin were appointed commissioners for the sale of East India Company tea in the colony, a meeting was held at the house of Captain Doran, at which a committee was appointed to wait on those gentlemen and ask their intentions. They were answered that no commissions had been received; that should they be, their contents would be made public, and that if it came liable to American duty, they, the commissioners, would decline to execute the commission. Again called upon on the 25th, the gentlemen said that advices of their appointment had been received; and on a third visit they said, "The agents since find that the Tea will come liable to the American duty; and agreeable to their former promise have declined receiving and selling it under that predicament." On the same day the Boston commissioners refused to resign, and asked protection of the government; in consequence of which a great meeting was held at Faneuil Hall on November 29, and a committee of correspondence chosen to confer with the other colonies. Of this committee, five in number, Samuel Adams and John Hancock were members. On the 28th the Dartmouth, consigned to Mr. Rotch, with an invoice of the East India Company's tea on board, arrived in Boston Harbor, and by the governor's advice was anchored below the castle; but the captain, coming to town, was ordered at his peril to bring up the vessel to the city, where it was put under an armed guard. Some tea, it seems, had already been privately imported into Boston. This was ordered to be returned in the same vessels on which it came. The meeting resolved "that by thus importing said tea they have justly incurred the displeasure of our brethren in the other Colonies, and further that all concerned in any further importation should be deemed enemies to their country." This was aggravating enough and sufficient justification for the mistrust the New-York merchants felt of non-importation agreements unsupported by adequate power to enforce them—a mistrust which will again appear.

The articles of association of the Sons of Liberty of New-York were published in Holt's journal of December 16, with the announcement that they were signed by a great number of the principal gentlemen of the city, merchants, lawyers, and other inhabitants of all ranks, and would be carried about the city for general signature. In the oscillation of opinion the Sons of Liberty again took the front. The same

day the committee summoned a meeting of the association for the next day at the City Hall, and every friend of liberty and trade of America was invited to attend. In spite of the stormy weather, a large number of citizens appeared, and were addressed by John Lamb, who communicated a letter from the Boston committee of correspondence, and also one from Philadelphia. A committee of fifteen was chosen to reply. This committee of correspondence was called the New-York committee. The New-York articles of association were then read, and unanimously agreed to. The mayor of the city, accompanied by the recorder, then entered the meeting, and announced a message from the governor in these words: "The Governor declares that the Tea will be put into the Fort at noon-day; and engages his honour that it shall continue there until the Council shall advise it to be delivered out or till the King's order or the proprietor's order is known; and then the Tea will be delivered out at noon-day." "Gentlemen," said the mayor, "is this satisfactory to you?" This was answered with a general "No! No! No!" Mr. Lamb then read the act of parliament, and, stating that the duty was to be paid on the landing, put the question: "Is it then your opinion, Gentlemen, that the Tea should be landed under this circumstance?" This was carried so generally in the negative that a division was not called for. The action of Philadelphia and Boston was then approved, and the meeting adjourned to wait the arrival of the tea-ship, when it was again to assemble. The same day news was received from Charleston, South Carolina, that the tea-ship for that port had arrived, but that the citizens would not permit the tea to be landed. In fact, however, a landing was permitted, but the tea was stored, and allowed to rot in damp cellars, where it was guarded.

On the very day of these decisive proceedings at New-York, Boston was in a state of even greater excitement. Mr. Rotch, the consignee of the Dartmouth, having shown dilatoriness in returning the vessel with the tea to England, a committee appointed from Boston and the neighboring towns sent for him, and asked his intentions. He was then enjoined to demand a clearance for his vessel. This being refused by the collector, and the governor declining to interfere, the committee repaired to the old South Church, where a great meeting was held. Here Rotch declared that "he would not return his vessel with the tea in her"; whereupon, undoubtedly on a preconcerted signal (it is said, a war-whoop from the gallery or the door), a party rushed to Griffin's wharf, where the three vessels—the Dartmouth, a bark, and a brig—with tea on board then lay. These they boarded, and, unlading the tea, broke up the boxes, and threw the contents overboard. The hour was shortly after dusk. This was that Boston tea-party, the fame of which went throughout all the land.

The Philadelphia ship arrived on December 25, and was the next day returned to England. The year closed, but the New-York ship did not arrive. Sufficient has been said to show that there was no doubt about the intentions of the people with regard to the landing of the tea. Tryon had made arrangements with Captain Ascough, of his Majesty's ship Swan, to take the vessel under his protection.

The year closed with a terrible tragedy. On the night of December 29 the government house in Fort George accidentally took fire, and burned so rapidly that in two hours it was entirely consumed. The governor, his wife, and daughter narrowly escaped with their lives. Miss Tryon, leaping from a second-story window into the deep snow, was fortunately unhurt, but a maid-servant perished in the flames. The governor and his lady escaped by a door leading to the ramparts. But for the heavy snow on the roofs of the houses of the city a dangerous conflagration would have resulted. The governor lost a large amount of valuable property, his wife her jewels, but the great seal was found uninjured on the evening of the 31st. The people sympathized with the governor in his trial and loss, but protests were made against rebuilding the house. For it was pertinently asked, since the crown had for its own purpose made the governor independent of the people, by arranging henceforth to pay his salary directly, why they should be taxed to provide a house and furnish fire and candles for his accommodation.

STOREHOUSE, TURTLE BAY.[1]

Governor Tryon had made up his mind as to the intentions of America in regard to tea. While acknowledging the moderate tone of the people of his government, he wrote to the Earl of Dartmouth: "From the general appearance of the united opposition to the principle of monopoly and the importation duty in America I can form no other opinion than that the landing storing and safe keeping of the Tea when stored could be accomplished, but only with the protection of the point of the bayonet and muzzle of the cannon and even then I do not see how the consumption could be effected." The "good Dartmouth" hoped for better things in New-York, but, nevertheless, sent the necessary orders to General Haldimand, with caution, however, to Tryon not to make requisition, but "in cases of absolute

[1] In the year 1773, Marinus Willett, at the head of a party of Liberty boys, seized upon the king's stores kept in the house shown in the above illustration, located on Turtle Bay, at the foot of the present East 34th street. The building was still to be seen there as late as the year 1852. EDITOR.

necessity when every other effort failed." Later he expressed the hope that "your [Tryon's] fortitude would not suffer you to yield to the like insults as have been offered to the authority of this kingdom in other places." "What has already happened [Dartmouth adds] on occasion of the importation of Tea by the East India Company into some of the Colonies, is of the most alarming nature, and I have it in command from the King to acquaint you that it is his Majesty's firm resolution upon the unanimous advice of his confidential servants to pursue such measures as shall be effectual for securing the dependence of the Colonies upon this Kingdom." The king himself was closing the issue between the dependence and the independence of the colonies.

The general assembly, which had been in prorogation since May, 1773, met according to summons on January 6, 1774. On opening the session the burden of the governor's address was "the ruin of the Province House, his agony of mind for the safety of his family," and his congratulation that "by the powerful exertions of the citizens and military this metropolis was preserved from a destructive calamity." He laid before the assembly the negotiations for the boundary with Massachusetts, the completion of the Quebec line as far as ten miles from Lake St. Francis, and informed them that in consequence of the contests concerning the New Hampshire grants the king had ordered him to return to England. He expressed his cordial affection for the people of New-York, who had honored him with every possible mark of regard and esteem, and assured them of his endeavors in their interest during his absence. There was not a word as to the disturbances on the reception of his message by the Sons of Liberty, or as to the landing of the tea. The governor received the addresses of the assembly at the house of Lord Stirling in Broad street. At this assembly Judge Livingston again applied for a seat for the manor of Livingston, and was again refused by a vote of fourteen to seven, Peter R. Livingston being later admitted to the seat in question. The usual supply bill for the necessaries to the troops (two thousand pounds) was passed, also an act regulating the militia with regard to age (16 to 50 years), a provision for drums and colors, an order for the yearly muster of regiments, and of independent companies twice each year, the appointment of officers, etc. The council amending the bill by striking out the clause against non-resident officers, the assembly refused to agree, and the militia act of 1772 expired. The objection of the assembly was chiefly to a non-resident colonel.

Toward the close of the session the governor sent in a message asking a suitable provision for the rebuilding of the government house. In answer to the message the assembly appointed a committee to fix on a suitable place for building a government house, and to prepare a

plan and an estimate of the expense, and later a bill was passed to "raise the sum of twelve thousand pounds by lottery or lotteries toward building a Province House and Secretary's Office." The building was never erected. Five thousand pounds was voted to the governor as an allowance for his losses in part at the "late dreadful fire." This was carried by a narrow majority, the bill being saved by vote of the speaker, John Cruger. On March 17 the house took leave of the governor and his family in an affectionate address, in which they say: "Your humanity, beneficence and liberality to the poor in distress, and your affability to all who have had the honor of a nearer connection with you in concerns either of a private or public nature have rendered you doubly dear to the inhabitants of this colony"; and they prayed for his speedy return. The governor, still lodged at Lord Stirling's house on Broad street, received the assembly and thanked them with warm expressions for their appreciative words and their honorable and liberal compensation for his losses by the fire. The assembly was prorogued on March 19.

It seems that Tryon had long been suffering from ill health, and had delayed his departure because of the desire expressed by Lord Dartmouth that he should remain at his post until relieved by a lieutenant-governor, which infers a contemplated removal of Colden. It appears, however, that he had received the king's permission to embark. He sailed on April 7 in the Mercury packet. He had received addresses of regret and esteem from all the corporate bodies in the city. He had shown his interest in education by a gift of ten thousand acres of land in Gloucester County, in the New-York province, to King's College. He had founded a professorship in municipal law, the second of the kind in the British dominion. As the Gloucester township later fell within the Vermont boundary, this generous grant became of no avail for the foundation. He was attended on his embarkation by a great concourse of people. "No Governor of the Province," says Holt's journal, "was ever treated by all degrees of people with more respect and affection; nor did any ever show more sensibility of it, or take a more affectionate leave of the people"—a strong contrast to the detestation in which Hutchinson was at that time held. Yet time brought its reversal of opinion. O'Callaghan, in his notes to the New-York colonial manuscripts, says: "It is unnecessary here to speak of his career in America, as that is already as notorious as it was odious"; this condemnation applying to his course during the Revolution.

On Tryon's departure the government again devolved on our old friend Colden, who always managed to be in the hottest of water. Hardly was he reinstated—not, however, at the Province House, for that no longer existed—when the Nancy, Captain Lockyer, appeared at Sandy Hook with the East India Company's tea. She had been

blown off the coast by contrary winds, and had put into Antigua. News to that effect reaching the city from St. Eustatius via Philadelphia on March 10, the Sons of Liberty were notified on the 15th, by advertisement in Holt's journal, "to meet every Thursday night at seven o'clock, at the house of Jasper Drake [a tavern], till the arrival and departure of the Tea ship." She did not reach the port till April 18, and the pilot thought it wise not to bring the ship into harbor. The committee of the Sons of Liberty, informed of the arrival, gave permission to the captain to come up on condition that he should not enter his vessel at the custom-house. He was politely received, and at once prepared to return, the consignees declining to receive his cargo. A handbill summoned the citizens to collect on Saturday morning, the 29th. The bells would be rung an hour before his departure from Murray's wharf. These proposed ceremonies were, however, interfered with by more urgent business. Captain Chambers having brought up his ship, the London, arrived that day from the Hook, after telling the pilot that he carried no tea, the Sons of Liberty, who were differently advised, at once summoned the owners and the captain before them. The captain confessed to having the tea on board, and to the sole ownership of the eighteen cases. The ship was boarded in the evening by a party of the Sons of Liberty, and the cases, being found, were broken up and the tea thrown into the river.

THE APTHORPE MANSION.[1]

The next morning Captain Lockyer was escorted from the Coffee House to the end of Murray's wharf, with cheering and the firing of guns, and put on board the pilot-boat. The committee of observation at the Hook reported the sailing of the Nancy in the afternoon, with Captain Chambers on board, who had fortunately been able to escape the attention of the enraged citizens. Thus, says the journal, was the "Union of these colonies maintained." Colden was ignored in the matter. He wrote to Dartmouth on May 4: "Neither the Captain nor any other made the least application to me about the ship or her cargo." The destruction of the tea in Chambers's vessel was without the knowledge of the lieutenant-governor.

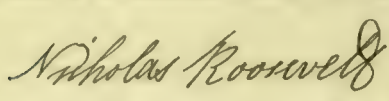
[1] The Apthorpe house stood, until recently, on Ninth avenue, between Ninetieth and Ninety-first streets. It was a good example of an English country house of the last century. It was built in 1767 by Charles Ward Apthorpe, who was strong in his loyalist principles. General Howe made the house his headquarters while the Harlem Plains were still a disputed possession. As Apthorpe was a warm partizan, the English officers were always treated with great hospitality. The oaken wainscoting and ceiling of the dining-room were imported from England. EDITOR.

Official information of the destruction of the tea in Boston Harbor on December 16, 1773, reached England on January 22, 1774. The excitement in London was intense. Franklin, who appeared before the privy council to support the petition of Massachusetts for the removal of Hutchinson, was grossly insulted by Solicitor-General Wedderburne, amid the jeers of the lords. The news reached New-York on April 14, with the concurrent information that six regiments and some men-of-war were to be sent to Boston; or, as an alternative, that orders would be sent to Boston to seize the committeemen and send them to England for trial. On March 7, the king sent to parliament a special message on the American disturbances. On the 11th the House of Commons listened for three hours to the reading of one hundred and nine letters on American affairs, after which Monday, the 14th, was set for discussion of the American business. On this day Lord North asked leave to bring in a bill for the punishment of Boston by removing the customs officers and stopping the landing and discharging of all merchandise at the town or within the harbor. When the bill was introduced Whigs and Tories vied with each other in their determination to vindicate, not the majesty of the law, but the sovereignty of Great Britain. The Boston port bill provided first for the closing of that port on June 1 to all commerce, at the king's pleasure; and also for the indemnification of the East India Company for the ruined tea.[1] To Fox, who urged that the closing of the port should last only until the East India Company was paid for the tea, Lord North replied: "Obedience not indemnification will be the test of the Bostonians"; yet when the bill was formally put upon its passage even Fox's voice was still. Strange as it may seem, the bill passed both houses of parliament without a dissenting voice. A handbill containing the text of the bill was distributed through the streets of New-York, with the heading: "The following act came to hand by the Ship Samson, Captain Coupar, arrived at New York the 12th May in 27 days from London; from the 'London Gazetteer' of April 7th, 1774." On the back were printed private letters, from London, of the 7th and 8th. Among the interesting incidents connected with the voyage of this fast ship, the journals record "that Captain Coupar brought an account of the receipt of bills sent from New York to London in one month and twenty-nine days which was in less time than was perhaps ever before known considering the distance."

The packet brought news still more startling. Besides the port bill, and stirring letters from the friends of America in England urging resistance, came word that General Gage, commissioned civil governor of Massachusetts, had engaged with four regiments to reduce Boston to submission, and was to sail from Portsmouth in the frigate

[1] The value of tea destroyed at Boston was about £8,000.

Lively for his new government on April 15. Some consolation was taken from the information that the officers ordered on duty hung back, and declared it a service quite repugnant to their feelings as men and as Englishmen. It was reported that the four regiments ordered were the fourth, fifth, thirty-eighth, and forty-third; and that a formidable fleet would soon appear in American waters. The excitement in the city was heightened by the arrival of a schooner from Casco Bay, whose crew reported that as they came past Boston they heard great firing, from which it was supposed that General Gage had arrived. This was an error, as the Lively only arrived on May 13. The firing was from the castle, in honor of his appointment.



On Saturday, the 14th, while handbills were passing freely about the city, a notice invited the merchants to meet at Fraunces' Tavern on Monday evening for consultation. The assemblage proving too large for the rooms at Mr. Fraunces', it adjourned to the Exchange, a few paces distant. Isaac Low was chosen chairman. Two parties appeared at this meeting with printed lists of candidates for a committee. The one, a list of twenty-five, was offered by Isaac Sears, the representative of the Sons of Liberty; the other, of fifty names, had been arranged by the merchants. One of these tickets was the basis of both; there are not two names upon the smaller not found in the same order on the larger ticket.[1] Both were headed with the name of John Alsop, and both were chiefly made up of merchants. There was a warm contest; but the merchants prevailed, and the committee was raised and directed to "correspond with the neighboring colonies on the important crisis." This was the famous committee of correspondence, so much misunderstood and maligned, but, as the sequel will show, to whose firm and consistent adherence to the idea of union the Continental Congress owed its origin. That there might be no doubt as to the formality of their appointment, the assemblage at Fraunces' before adjourning ordered a meeting to be called at the Merchants' Coffee House on Thursday, the 19th, at one o'clock.

In the interim, Paul Revere, the famous post-rider[2] and express of the Sons of Liberty, had arrived on Tuesday, the 17th, from Boston, with despatches from that organization to the middle colonies. On Wednesday, at noon, he set out for Philadelphia. In the evening of the same day there was a large meeting of the mechanics at Barden's Tavern. He had again migrated, and was now at the old house kept by John Jones in the Fields: a locality preferred by this class. Revere had brought with him the vote passed at Faneuil Hall on the 13th,

[1] The minutes of this committee of fifty, or of correspondence, are preserved in the New-York Historical Society collections.

[2] These men were called constitutional post-riders. See Holt's "New-York Journal," May 19, 1772.

urging the colonies to stop all importations from and exportations to Great Britain and the West Indies until the port bill should be repealed. That there was perfect accord between the association of the Sons of Liberty of New-York and the Boston leaders appears from the fact that on Saturday, before Revere arrived, the New-York committee, consisting of Isaac Sears and Alexander McDougall, addressed a letter to the Boston committee concerning the intended meeting of the merchants at Fraunces' Tavern, pledging them "to agree upon a non-importation and non-exportation of goods to Great Britain." In this it seems they were premature.

MARINUS WILLETT'S RESIDENCE.

At the meeting on Thursday, May 19, at the Coffee House, both parties attended, but the merchants again prevailed; besides they added to their number Francis Lewis, whence it took its name as the committee of fifty-one. Writing the next day to his friend Penn, Gouverneur Morris, then in the heyday of youth, said: "I stood on the balcony and on my right hand were ranged all the people of property with some few poor dependants and on the other all the tradesmen &c., who thought it worth their while to leave daily labor for the good of the country." In the same letter he says: "I see, and I see it with fear and trembling that if the disputes with Britain continue we shall be under the worst of all possible dominions. We shall be under the domination of a riotous mob." Watts wrote to Monckton on May 30: "The lower class of people were taking it up [the shutting up of the port of Boston] exceeding high here and would have carried things to extremities, but by the interference of most people of weight a soberer council takes place, though the treatment of their brethren is very ill relished." Colden, writing to Dartmouth, June 1, says that "the principal inhabitants being now afraid that these hot-headed men might run the City into dangerous measures, appeared in a considerable body at the first meeting of the people after the Boston act was received here. They dissolved the former committee and appointed a new one of fifty-one persons in which care was taken to have a number of the most prudent and considerate persons of the place." The facts quoted show that the old gentleman was ill informed. But the

extent of the dissidence appears from a paragraph in Holt's journal of the 20th, to the effect that "since the meeting at the Coffee House on Thursday last, the merchants and mechanics who were opposed to the committee of correspondence consisting of fifty-one persons, have for the salutory purpose of Union among ourselves agreed to that number; and that the gentlemen whose names were published in Mr. Gaine's paper are the Committee for this City."

The names of the committee appear in the minutes of the first meeting of May 19, 1774. They were John Alsop, William Bayard, Theophylact Bache, Peter V. B. Livingston, Philip Livingston, Isaac Sears, David Johnston, Charles McEvers, Charles Nicoll, Alexander McDougall, Captain Thomas Randall, John Moore, Isaac Low, Leonard Lispenard, Jacobus Van Zandt, James Duane, Edward Laight, Thomas Pearsall, Elias Desbrosses, William Walton, Richard Yates, John De Lancey, Miles Sherbrooke, John Thurman, John Broome, John Jay, Benjamin Booth, Joseph Hallett, Charles Shaw, Alexander Wallace, James Jauncey, Gabriel W. Ludlow, Nicholas Hoffman, Abraham Walton, Gerardus Duyckinck, Peter Van Schaack, Henry Remsen, Hamilton Young, George Bowne, Peter T. Curtenius, Peter Goelet, Abraham Brasher, Abraham P. Lott, David Van Horne, Gerardus W. Beekman, Abraham Duryee, Joseph Ball, William McAdam, Richard Sharpe, Thomas Marston, Francis Lewis. The committee

1 James Duane was the first mayor of New-York after the Revolution, holding the office from 1783 to 1789. He was born in New-York city in 1733. His father was at first an officer in the British navy, but he resigned and engaged in mercantile pursuits in New-York. Two of his sons entered the navy, but James, the third, was educated for the legal profession, studying law in the office of James Alexander. His mother, who died when he was only three years old, was Altea Keteltas, so that he was connected in this way with some of the old and prominent New-York families of Dutch origin. By his own marriage he became related to the powerful Livingston family, as his wife was Mary, the oldest daughter of Colonel Robert Livingston, the proprietor of the manor. He rose to great eminence in his profession, and enjoyed a very lucrative practice, being among other things the attorney for Trinity Church in the Anneke Jans suits. By purchase and inheritance he became the owner of the township of Duanesburgh, Schenectady County. About sixty-four thousand acres bought by him in that part of the province which afterward became Vermont were lost to him by reason of the subsequent territorial complications and disputes as to possession. It is unnecessary here to recount Mr. Duane's public services during the Revolutionary period. They were not of a military nature, but confined entirely to political and legislative measures, both in National and State affairs. In 1789 President Washington appointed him district judge for the district of New-York, upon which he resigned the mayoralty. In 1794, after five years of service as judge, he resigned on account of failing health. He then removed to Schenectady, at the same time commencing the erection of a house in Duanesburgh, where he desired to pass the remainder of his days. He died, however, before the house was completed, February 1, 1797, leaving one son and four daughters.

EDITOR.

met on Monday, May 23, at the Coffee House, and organized with Mr. Isaac Low, chairman, and John Alsop, deputy-chairman. A letter was read from the body of mechanics, signed by Jonathan Blake, their chairman, concurring in the nomination of the committee. At a meeting in the evening of the same day they adopted a letter in answer to those received from Boston, probably referred to them from the association of the Sons of Liberty. This letter contained the non-importation resolutions adopted at Faneuil Hall on the 13th. The terms of the New-York letter in answer are significant. "The course," they write, "is general and concerns a whole continent, who are equally interested with you and us; and we foresee no remedy can be of any avail unless it proceed from the joint act and approbation of all. From a virtuous and spirited union much may be expected, while the feeble efforts of a few will only be attended with mischief and disappointment to themselves, and triumph to the adversaries of our liberty. Upon these reasons we conclude that a Congress of Deputies from the colonies in general is of the utmost moment; that it ought to be assembled without delay and some unanimous resolutions formed in this fatal emergency, not only respecting your deplorable circumstances, but for the security of our common right"; and they request their "speedy opinion of the proposed congress," that if it meet with their approbation they may use their utmost endeavors to carry it into execution. This letter was engrossed and delivered to Paul Revere, the express from Boston, who immediately set out on his return. A copy was ordered to be sent to the committee of correspondence for the city of Philadelphia.

Meanwhile the letter of the Sons of Liberty, pledging the merchants of New-York in advance to a non-importation agreement, had reached the Boston committee, and they replied on June 3 expressing their concurrence with the proposed "suspension of trade." To this the New-York committee promptly sent answer on the 7th that the Boston committee had made a mistake in attributing to them the expression of an opinion; "that said and every other resolution we have thought it most prudent to leave for the discussion of the proposed General Congress. Adhering therefore to that measure as most conducive to promote the general system of politics we all have in view, we have the pleasure to acquaint you that we shall be ready on our part to meet at any time and place that you shall think fit to appoint: either of deputies from the General Assembly or such other deputies as shall be chosen not only to speak the sentiments but also to pledge themselves for the conduct of the people of the respective colonies they represent." They add: "We can undertake to assure you, in behalf of the people of this colony, that they will readily agree to any measure that shall be adopted by the General Congress. It will be

necessary that you give a sufficient time for the deputies of the colonies as far Southward as the Carolinas to assemble, and acquaint them as soon as possible with the proposed measure of a Congress. Your letters to the Southward of us we will forward with great pleasure." On the 2d the committee published a card disavowing the letter to Boston, of the 14th, pledging the suspension of trade. The Boston merchants were no doubt disappointed at any delay, the packet of May 25 having carried their countermands of orders from England.

ST. MARK'S CHURCH.

The king's birthday was this year celebrated with hardly more than official ceremonies; there was no festivity, and but few houses were illuminated. The idea of a congress was fast spreading, and it was believed that a total suspension of commercial intercourse with Great Britain would soon take place. On Wednesday, June 25, the harbor at Boston was finally closed, and the day was celebrated in New-York by a great demonstration, with effigy-hanging and other marks of reprobation for the English enemies of America. On the 17th General Gage dissolved the Massachusetts assembly; the province was under military rule. The immediate cause of this summary proceeding was the appointment by the representatives of Massachusetts Bay, that day, of delegates to meet the delegates of other colonies in general congress, however appointed, at Philadelphia, on September 1. As the New-York assembly was not sitting, the committee of correspondence, on July 4, proceeded to nominate five delegates, the number chosen by Massachusetts, for recommendation to the freeholders of the city. Captain Sears, seconded by Peter V. B. Livingston, proposed Isaac Low, James Duane, Philip Livingston, John Morin Scott, and Alexander McDougall. A vote being taken, the gentlemen having the greatest number of voices for their nomination were Philip Livingston, John Alsop, Isaac Low, James Duane, and John Jay, the three first named merchants, the others lawyers. There was evidently dissension, for it was also ordered that a call be issued to the inhabitants to meet at the City Hall on Wednesday, July 7, at noon, "to concurr in the nomination or choose others." On

the 5th a call was issued for a meeting in the Fields for the next day. From the journal of the proceedings it appears that a member of the committee of correspondence, McDougall, had presided over the pre-

THE PATRIOTIC BARBER OF NEW-YORK.[1]

liminary meeting which issued the call. The call was couched in such significant terms that a great gathering met in the Fields; McDougall was called to the chair, and resolutions were adopted recommending non-intercourse with Great Britain and instructing the

[1] The full title of the above quaint picture ran as follows: "The Patriotick Barber of New-York, or the Captain in the Suds." Beneath this were printed the following lines:

"Then Patriot grand maintain thy stand,
And whilst thou sav'st Americ's Land,
Preserve the Golden Rule;
Forbid the Captains there to roam,
Half-shave them first, then send them home.
Objects of ridicule."

EDITOR.

deputies to the congress to agree for this city upon a non-importation agreement. They voted a subscription in aid of the suffering inhabitants of Boston, and directed their city committee of correspondence to carry out their resolutions.

As before in pledging the committee of correspondence, so now they proposed to instruct their deputies before they were chosen. Naturally there was a storm in the committee, who disavowed the proceedings as "calculated to throw an odium on themselves"; which culminated in the withdrawal of Lewis, Hallett, McDougall, Peter V. B. Livingston, Isaac Sears, Thomas Randall, Abraham P. Lott, Leonard Lispenard, John Broome, Abraham Brasher, and Jacobus Van Zandt from the committee of fifty-one. The meeting called at the City Hall for the 7th was duly held, and it was resolved that the committee of correspondence appoint a committee to meet a similar committee from the mechanics at Fraunces' Tavern the next morning to take a poll in the several wards upon the lists of the five delegates respectively proposed by each for their legislature. Handbills were circulated, one even signed "Son of Liberty," urging their election and deprecating discord between the merchants and the mechanic class. On the 19th the committee published a series of patriotic resolutions, of which one was pertinent and italicized, viz., that the delegates ought to be so chosen or instructed that they may "be able not only to speak the sentiments but to pledge themselves for the good conduct of the people of the colonies they respectively represent." The same day a conference was had at the Coffee-House between the merchants' and mechanics' committees, but there was so much division that Messrs. Low and Jay the next day published a card declaring that they considered there had been as yet no choice of delegates. On July 24, the New-York committee ordered an election in the ordinary manner by a poll at the several wards on the 28th. This was signed by Abraham Brasher, Theophilus Anthony, Francis Van Dyck, Jeremiah Platt, Christopher Duyckinck; to which four of the gentlemen named, Livingston, Alsop, Low, and Jay, made answer that they were "at present of opinion that a general non-importation agreement faithfully *observed* [the italics are in the original] would prove the most efficacious means to procure a redress of grievances." They added that they made the declaration because they thought it right, but that they had no objection to the election of any one in whom there was greater confidence. On receiving the letters, the meeting at Marriner's Tavern unanimously acquiesced in their nomination. The election was held on the 28th, and the five delegates were unanimously chosen. They were held to favor non-importation, but to be left free to conform to the general opinion of the congress.

On August 29 Mr. Jay set out quietly for Philadelphia. On September 1 he was followed by Livingston, Alsop, and Duane. They were accompanied to the place of their departure by a large number of the citizens with colors flying and music. Duane made a farewell speech, and they were saluted with cannon. Mr. Low left the same day by way of Powles' Hook. He was escorted to the ferry stairs with the same ceremony, and greeted with huzzas at each street corner. John Adams, of the Massachusetts delegates, left in his diary an interesting account of the courtesy with which they were received; amusing, because of his naïve astonishment at the luxury of New-York life, which he for the first time enjoyed. The congress met at Carpenters' Hall, Philadelphia, on September 5. Two committees were appointed: one on the rights of the colonies, the other on trade and manufactures. From a want of uniformity in their choice the congress was ill fitted to assume the functions of government, yet it was a great step toward union. They modestly styled themselves "the guardians of the rights and liberties of the colonies." They walked the beaten track of 1765. They put forth a declaration of rights, and their sole measures of redress were the non-exportation act to take effect after September 15, and the non-importation act to be put in force on December 1 following. The congress dissolved on October 26. Of its papers Lord Chatham spoke as "not inferior to the finest productions of the Master States of the world." Before dissolving, the congress recommended the election of a committee in each county, city, or town of every colony, to secure obedience to the association entered into by the congress. They ordered the election of delegates to meet in congress May 14, 1775.

After a conference with the committee of the mechanics, the committee of correspondence ordered a poll to be held at the City Hall on November 22 for the election of sixty persons as a committee of observation. The following were unanimously chosen: Isaac Low, chairman; Philip Livingston, James Duane, John Alsop, John Jay, Peter V. B. Livingston, Isaac Sears, David Johnston, Charles Nicoll, Alexander McDougall, Thomas Randall, Leonard Lispenard, Edward Laight, William Walton, John Broome, Joseph Hallett, Charles Shaw, Nicholas Hoffman, Abraham Walton, Peter Van Schaack, Henry Remsen, Peter T. Curtenius, Abraham Brasher, Abraham P. Lott, Abraham Duryee, Joseph Bull, Francis Lewis, John Lasher, John Roome, Joseph Totten, Thomas Ivers, Hercules Mulligan, John Anthony, Francis Basset, Victor Hicker, John White, Theophilus Anthony, William Goforth, William Denning, Isaac Roosevelt, Jacob Van Voorhees, Jeremiah Platt, William Ustick, Comfort Sands, Robert Benson, William W. Gilbert, John Berrian, Gabriel W. Ludlow, Nicholas Roosevelt, Edward Flemming, Lawrence Embree,

Samuel Jones, John De Lancey, Frederick Jay, William W. Ludlow, John B. Moore, George Janeway, Rudolphus Ritzema, Lindley Murray, and Lancaster Burlong.

This was the last act of the committee of correspondence. Their path had not been strewn with roses since the split in their ranks of July 7. Mr. McDougall seems to have been the leader of the opposition. The committee of observation, inquiring into the private affairs of their neighbors, aroused resentment, and the committee of correspondence was called upon to intervene, which they did by calling a public meeting at the City Hall on the 20th. When Mr. Henry Remsen was about to speak for the committee, the meeting was interrupted by the clamor of the malcontents. They adjourned to the Coffee House, where the committee disavowed and condemned the irregular proceedings complained of. Advances having been made on several imported articles, the public were discontented; thereupon the committee called a meeting of all the importers, who agreed on October 13 to refrain from any unreasonable advance on such articles. The action of the congress seems to have restored harmony; the committee of mechanics even addressed a letter of thanks to the city delegates. The committee of inspection or observation at once entered on its business, and non-importation was soon rigidly enforced in all of the colonies.

On January 10 the general assembly met at the summons of Lieutenant-Governor Colden. True to his old idea of the authority of New-York with the sister colonies, he appealed to them in his opening address for firmness in the alarming crisis. They replied that "they would exercise the trust reposed in them with firmness and fidelity, and with calmness and deliberation pursue the most probable means to obtain a redress of grievance." On his suggestion they adopted a petition to the king declaring their rights and stating their grievances, disclaiming any desire for independence of the British parliament; also a memorial to the Lords and Commons declaring "the people of the colonies entitled to equal rights and privileges with their fellow subjects in Great Britain." They had already refused to pass a vote of thanks to the delegates to the congress by a vote of fifteen to

nine,[1] and also a vote of thanks to the merchants for their faithful adherence to the non-importation association entered into by the congress, by the same vote, with the addition of that from Mr. Boerum, who was excused on the previous occasion because he was one of the congress. The usual supply bill was passed, including a salary to Colden for administering the government from April to September, at the rate of two thousand pounds, but without the usual allowance for candles and firewood for the Province House before it was burned; also an act for regulating the militia. The assembly was conservative while patriotic, and the addresses to the king and parliament were distinct in expression, while moderate in tone. Efforts were made to induce the assembly to appoint delegates to the May congress, but they properly considered this was not their business, and in fact the congress of 1774 had advised the choice by a provincial congress elected for this purpose. The assembly finally adjourned on April 8 to meet again on May 3. This was the last meeting of the colonial assembly.

MRS. GEORGE CLINTON.
—A lady of ill-repute

Accordingly the committee of observation summoned a meeting of the freeholders and freemen of the city at the Exchange on March 6. On that day a union flag with a red field was hoisted on the liberty pole at nine o'clock, when the people rallied in large numbers and marched to the Exchange, where they authorized the committee to nominate eleven deputies for the sole purpose of choosing delegates to the general congress, such elections to be held on April 25. The committee nominated as deputies for the city and county of New-York in the provincial congress were Philip Livingston, John Jay, James Duane, John Alsop, Isaac Low, Francis Lewis, Abraham Walton, Abraham Brasher, Alexander McDougall, Leonard Lispenard, and Isaac Roosevelt. They were elected by a large majority on March 15, and on April 20 met in provincial congress and chose Philip Livingston to be their president. Isaac Low declined to serve. The next day they appointed Philip Livingston, James Duane, John Alsop, John Jay, Francis Lewis, Simon Boerum, William Floyd, Henry Wisner, Philip Schuyler, George Clinton, Lewis Morris, and Robert Livingston, Jr., to represent the colony

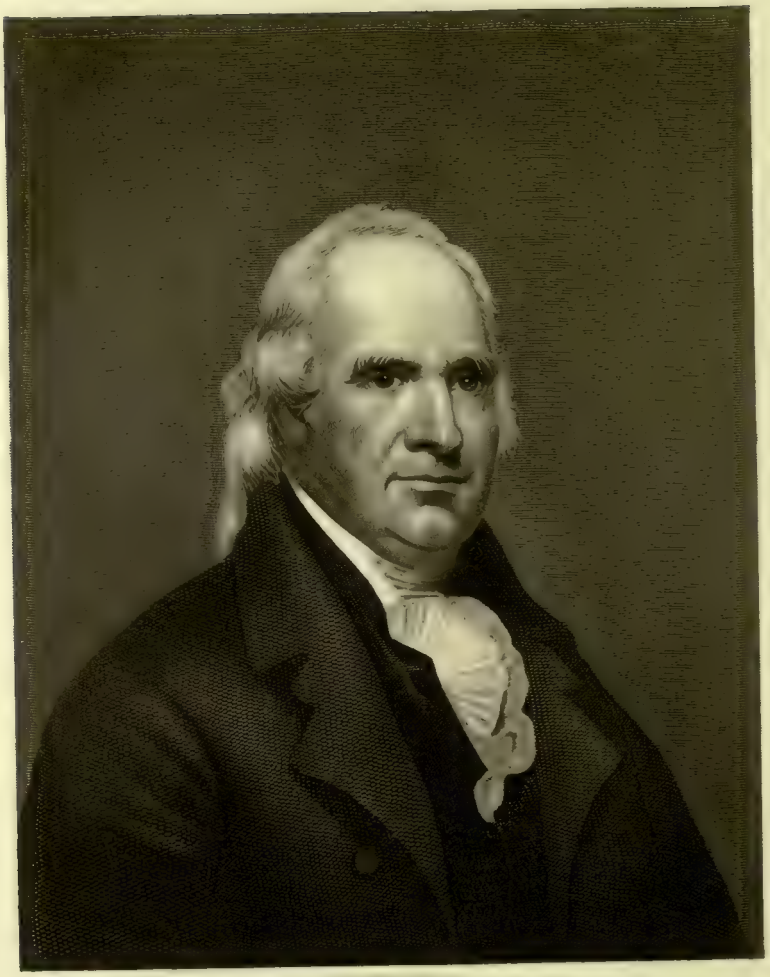
[1] The nine who voted in the affirmative were Clinton, Thomas, Brinckerhoff, De Witt, Woodhull, Schuyler, Ten Broeck, Seaman, and Livingston.

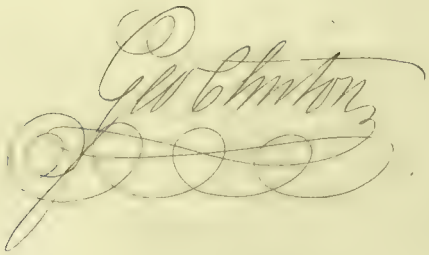
in the Continental Congress. The five first named represented the city and county of New-York.

On Sunday, April 23, about noon, rumors were received of the affray at Lexington, and in the morning, at two o'clock, the express from Boston handed to Isaac Low, chairman of the committee of observation, the despatch announcing it officially. He countersigned it and passed it on. By relays it was delivered at Philadelphia by noon the next day. The revolution had begun. On April 26 the committee of observation recommended the election of a new committee of one hundred, which was done on May 1. On April 28 a new association was entered into and signed by nearly all the freeholders of the city and sent to the interior counties. Their object was to enforce the recommendation of the provincial convention and the Continental Congress. The committee is known in history as the committee of one hundred, and took general charge of the affairs of the city and the enforcement of the agreements of the association. The committee of observation also recommended the election of deputies to a provincial congress. These were chosen on the same day, and met at the Exchange on May 22.

Meanwhile, on May 4, Lord Dartmouth notified Tryon that it was the king's pleasure that he should at once return to New-York. Tryon obeyed. He reached New-York on Sunday, June 25, 1775, and took from Colden, who now finally disappeared from the political scene, the seals of office and a "diminished authority."[1] By an extraordinary coincidence, Washington, who had been appointed commander-in-chief of the American forces, passed through the city on his way to the camp at Cambridge on the very day of Tryon's arrival.

[1] Colden died at Flushing, Long Island, September 21, 1776.

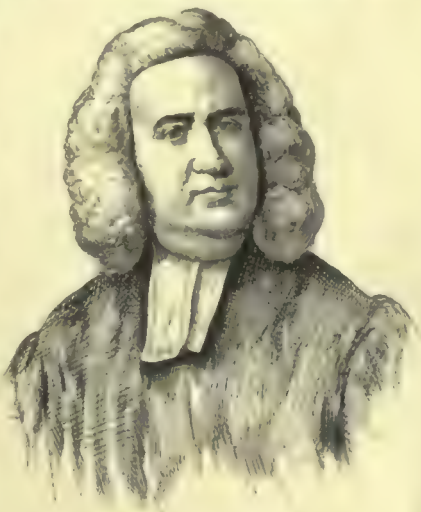



Geo Clinton

CHAPTER XII

LIFE IN NEW-YORK AT THE CLOSE OF THE COLONIAL PERIOD

JUDGE THOMAS JONES, in his loyalist history of New-York, introduces his subject with the statement, "In the year 1752 New-York was in its happiest state. We had no foreign or domestic enemy. Great Britain was at peace with all the world. The Colony was extending its trade, encouraging the arts and sciences, and cultivating its lands. Its inhabitants were daily increasing in riches and wealth and opulence. They were at the same time laborious, industrious, and frugal, lived in the most hospitable manner though with great economy. Luxury was unknown in the province; . . . at this happy time all discord had ceased; parties were forgotten and animosities forgiven. The disposition, the conduct and behaviour of the people in general bespoke harmony, concord, mutual love, and reciprocal affection." The judge closes his somewhat idyllic rhapsody with the declaration that this was the "Golden Age of New-York." There is no reason to question the correctness of this picture if considered only in its moral light, but it would be hardly safe to attribute the material prosperity of the city to the fact that Great Britain was at peace. War had few terrors for the people of New-York. The religious contest was by no means at an end, and might break out afresh at any moment.



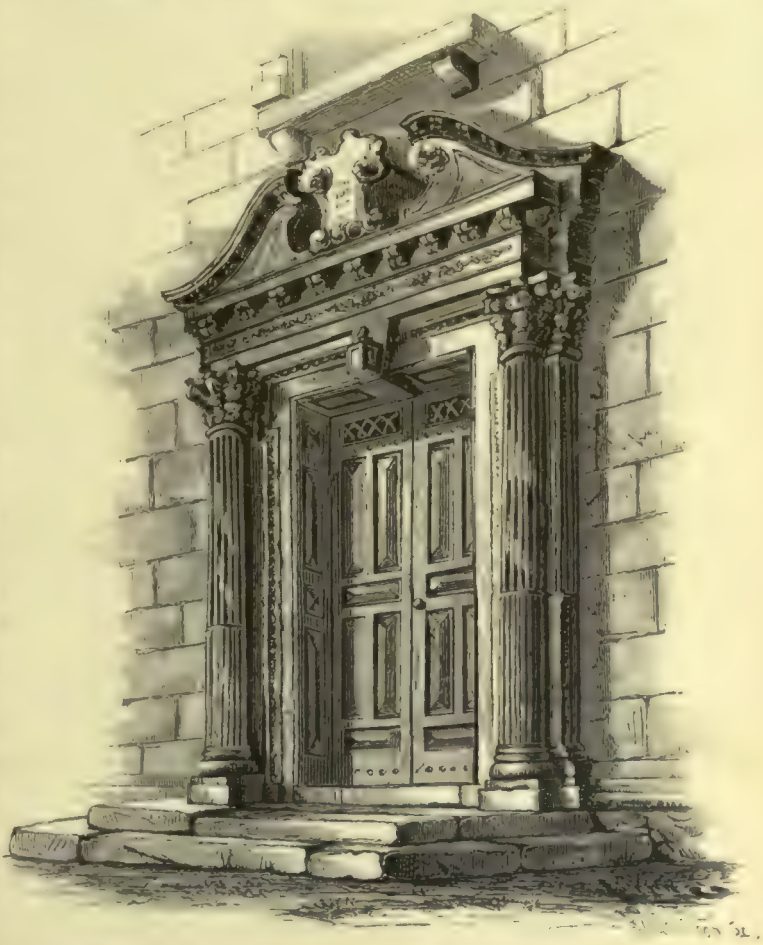
REV. JOHN OGILVIE.[1]

[1] The Rev. John Ogilvie was born in New-York city in 1722, and died there in 1774. Graduating at Yale in 1748, he entered the ministry and spent several years as a missionary among the Mohawks. In 1764 he was appointed assistant minister in Trinity Church, New-York, a position which he occupied for the remaining ten years of his life. He received the degree of D. D. both from King's College and from the Aberdeen University in Scotland. EDITOR.

A prominent object, if not the main purpose, of the Dutch government in granting the New Netherland charter was to provide in the safe harbor of New Amsterdam a sally-port and a refuge for the men-of-war and privateers which scoured the Spanish main in quest of the rich galleons which carried the wealth of the American colonies of the great Catholic powers to Lisbon and Cadiz. The fight between Spain and Holland was to the knife, and the American Dutchmen partook of the enthusiasm of their countrymen. Nor were their descendants under English rule less inclined to water adventure, save that it took the form of smuggling goods into the territory of the neighboring English colonies. The English were not more squeamish on this point, but their ventures were in the form of short cruises in fleet, well-armed vessels in southern waters. These privateers were armed and officered by the flower of the New-York gentry, and their captures were the foundation of many a New-York fortune.

The renewal of hostilities with France in 1754 set these wild spirits in fresh flame. The celebrated Thomas Randall, one of the most noted captains of the day, who in 1748 had brought in the French ship L'Amazone as a prize taken by his brigantine, the Fox, again in 1757 took out the brigantine De Lancey, of fourteen guns. He seems to have been joint owner in other privateers: in 1758 of the snow General Abercrombie, sixteen guns, and the ship Mary, ten guns. In 1762 he owned the Charming Sally, of six guns. The De Lancey fell into the hands of the Dutch, off Curaçoa, and her commander and crew were imprisoned. Randall was not then in command. He later distinguished himself in the war of the Revolution, and was thanked by Washington as one of the donors of "the President's barge," used by him during his first administration. Captain Isaac Sears — "King Sears," as he was called (whose acquaintance has been made as a Son of Liberty) — was a peaceful trader until the French war broke out. In 1752 he took to sea the dogger Decoy, of six guns, and later the sloop-of-war Catherine; but his most daring exploits were when in command of the sloop Belle Isle, of fourteen guns, which, in 1759, fell in with a large French ship of twenty-four guns and eighty men. Three times Sears grappled the Frenchman, but a gale separating the vessels, the sloop sheered off with nine killed and twenty wounded. The owners of the Belle Isle were John Schermerhorn & Co., merchants of the city. Randall and Sears were seafaring men. So also was Alexander McDougall, with whom acquaintance has been made as a Son of Liberty, and the Wilkes of America. In 1758 he sailed the privateer Tyger with success in the West Indies. Still another and at the time more famous bucaneer was Captain Peter Corne, an old African coast trader, who was joint owner with Anthony Van Dam (later secretary of the chamber of commerce) of the brigantine

Nebuchadnezzar, of eight guns, which he took out in 1758. The extent to which this dangerous business was carried appears in the numerous ventures of Mr. Lawrence Kortright, one of the commercial magnates. He was part owner of the Harlequin, of eight guns; in 1754, of the brigantine John, fourteen guns: and in 1756, of the brigantine De Lancey, already mentioned; of the Prince Edward, of eight guns; of the snow Royal Hester, of sixteen guns; of the Prince Ferdinand, fourteen guns, and the ship Hunter, eighteen guns; Mr. Peter Keteltas, another well-known name, was in 1752 part owner and agent of the Royal Hester, which brought in the French ships Le Leger and Le Débonnaire; and in 1754, of the sloop Anne. Even Philip Livingston and his son were deeply engaged in ship ventures. In 1757 he sent out the schooner Albany of eight guns and the ship Tartar of sixteen guns, and in 1758 the Amherst of twelve guns. These are but instances of the joint-stock companies in which the merchants took a lively interest.



PRINCIPAL ENTRANCE OF THE NORTH DUTCH CHURCH.[1]

The peace of Paris brought the Seven Years' War to a close in 1763, and the sound of the recruiting drum and fife was heard no more on the wharves of the now peaceful city. But it is easy to account for

1 The above illustration represents the principal entrance to the North Dutch Church, built in 1769 on the corner of Fulton and William streets. This door faced on William street, toward the east. The illustration a few pages further on represents one of the windows of this church. Out of this window the prisoners confined here during the Revolution often gazed, wishing in vain for liberty. The church was demolished in 1875.

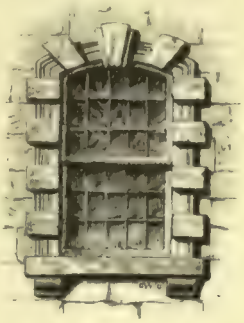
EDITOR.

the change which had come over its population, and to understand the bold, the spirited, even the turbulent nature of the men who marched to the gates of Fort George during the stamp-act excitement, and later fought the British regulars about the liberty pole and on Golden Hill. And it must not be supposed that New-York was stagnant during the long years preceding these agitations. Commanding the key to Canada on her northern frontier, the city itself was the natural headquarters of the invading army. From New-York the governor, Rear-Admiral Sir Charles Hardy, sailed for the capture of Louisburg. On Staten Island was fitted out the maritime expedition which another governor, General Robert Monckton, led to Martinique; and New-York was the base of the operations which closed the struggle with the capture of Montreal, and completed the conquest of the Canadas. Naturally these extensive movements gave ample occupation to the industries of the city, created a large demand for supplies, and brought into circulation a considerable amount of coin, a commodity rare in the colonies at any time. All the coin received came from the Spanish West India Islands, and after a short and uncertain sojourn here passed to England by the operations of the balance of trade, the scales of which Dame Britannia always managed to turn in her own favor.

Amid all this life and bustle, the march of improvement in the city went steadily on after that "Golden Age." Before 1754 the only buildings of any public consequence in the city were the City Hall, in Wall street, the Province House, within the inclosure of Fort George, opposite the Bowling Green, and the Merchants' or Royal Exchange, a building constructed upon arches at the lower end of Broad street, and not completed till 1752. Of the three Episcopal churches founded by royal charter in 1697, Trinity stood as first erected, but with subsequent enlargements, on Broadway at the head of Wall street; St. George's Chapel, built in 1752, on Beekman street; and the elegant structure of St. Paul's, on the corner of Broadway and Vesey, finished, with the exception of its spire, in 1766, the latter not being added till after the Revolution. Of the three houses of worship belonging to the Presbyterians, the first, in Wall street, near Broadway, a modest building of rough stone, stood in its original form (as erected in 1719) until enlarged in 1768; the second, or brick meeting-house, a branch of the Wall street church, was built in 1768 upon the vineyard lot opposite the common (City Hall park), having but insignificant neighbors, small wooden houses on the Boston road (later Chatham street, now Park Row); the third, or Scotch Presbyterian church, was also erected about this time in Little Queen (now Cedar) street, between Nassau street and Broadway, the congregation having originated about 1756 in a secession of the Scottish members from the Wall

street church in consequence of changes in the form of worship and differences in taste as to psalmody.

Of the three Dutch Reformed churches, the Old South or Garden street church (the site of which was in the present Exchange Place) still stood as originally constructed in 1693, but was rebuilt in 1766; the New or Middle Dutch church, an overflow from the Garden street congregation, set up their house of worship in 1729, and remodeled it in 1764, being for a long time one of the finest buildings in the city, its lofty cupola commanding the best view of the city and country, and affording Dr. Franklin a fine opportunity to make some of his experiments in electricity; while the North Dutch church, on the corner of Fulton and William streets, was not built till 1769. The Methodists worshiped in a church on John street, near Nassau; but this also was not built till 1769. The Moravians occupied a small frame building in Fulton, between William and Dutch streets, erected in 1757; the Baptists, a modest structure in Gold street, between Fulton and John, built in 1760; and the Friends, one in Little Green street (now Liberty Place), between Maiden Lane and Crown (now Liberty) street. The French congregation, L'Eglise du Saint Esprit, had not left their original place of worship, erected, in 1704, in Pine street, fronting the rear of the present United States Subtreasury. The building is described as "low, grave, sombre, and its tower heavy and monastic." The Jewish synagogue, erected in 1709, stood on the site of the first house of worship, in Mill street, which had been built in 1706.



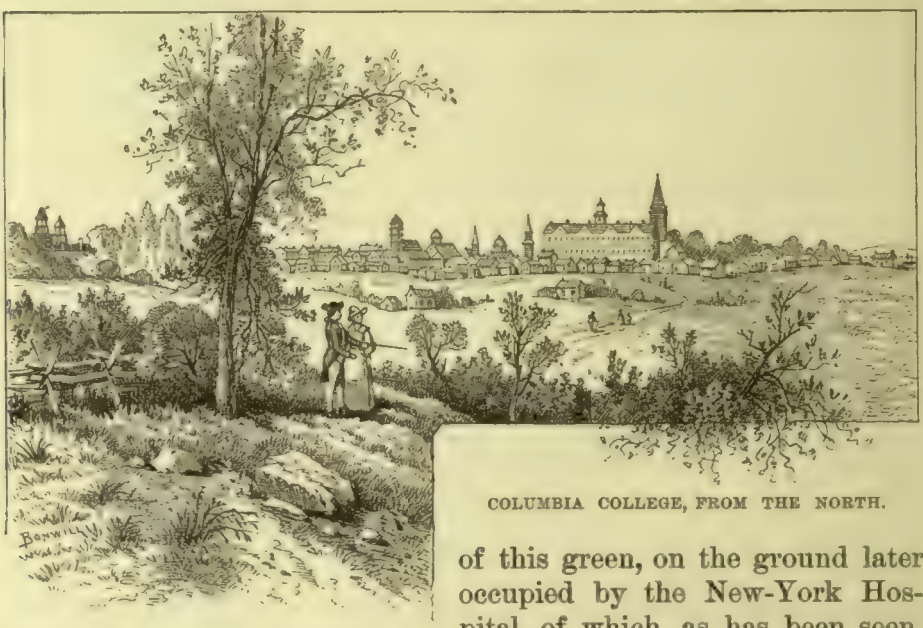
WINDOW OF NORTH DUTCH CHURCH.

The growth and prosperity of the city are shown by the number of these structures for religious purposes during the period under consideration, since, of the whole number of fifteen, eight were remodeled or newly erected between 1754 and 1763. The same was attested by King's College, which, begun in 1756, was erected on the beautiful grounds bounded by Church street, Chapel street (now West Broadway), Murray, and Mortlike (now Barclay) streets. It was an elegant stone structure, three stories high, with a chapel, hall, library, museum, anatomical theater and school for experimental philosophy. The edifice was surrounded by a high fence, forming a large court, containing noble trees and a garden: a truly academic inclosure. The students resided in the college.

There was no public building for the exhibition of art in the city, nor, for that matter, was there much of art to exhibit. The theater stood on the north side of John street, between Broadway and Nassau street. It was in the rear of the lot, and was entered by a covered

way. It was opened December 7, 1762, by "The American Company," with Farquhar's comedy of "The Stratagem," and the famous Garrick's farce of "Lethe."

The sites of the principal taverns, the Province Arms, the Queen's Head (Fraunces'), the King's Arms (Barden's), and the resorts of the Liberty boys, opposite the common,—De la Montanye's and Hampden Hall,—have been noticed, as well as the location of the coffee-houses, the Merchants', the Gentlemen's, and the Exchange. There were but few other places of public entertainment. The Ranelagh was a summer garden on the west side of Broadway, between present Duane and Worth streets. Ranelagh House was on the northern side



COLUMBIA COLLEGE, FROM THE NORTH.

of this green, on the ground later occupied by the New-York Hospital, of which, as has been seen, Governor Tryon witnessed the laying of the corner-stone. The Vauxhall was also a large garden (part of Sir Peter Warren's[1] estate), at the foot of Warren street, extending as far as Chambers, and commanding a beautiful view of the Hudson River. Destroyed during the stamp-act excitement it was afterwards refitted by Sam Fraunces.

The most noted private residences were the Kennedy mansion at No. 1 Broadway, already noticed as standing at the period of the stamp act; and the Walton House, in Queen street (St. George's Square, now Franklin Square). There were, no doubt, other fine residences, but these only have any historical consequence as of the period now under treatment. The Walton House has already been

1 Admiral Sir Peter Warren, the victor of Louisburg, who married a daughter of Stephen De Lancey, died in Ireland, in 1752.

carefully described.[1] With the exception, perhaps, of the double balustrades on the roof, the carving, and the armorial bearings, the architecture of the Walton House did not differ greatly from that of other fine houses which preceded it. True, the gabled ends and occasional quaint features of the original Dutch structures were already rare, but the Anglo-Dutch type remained. The latest specimens of this mixed school were until quite recently the four buildings on the corners of Broad and Pearl streets, that on the southeast corner being Fraunces' Tavern. They were all built about the beginning of the last century by the De Lanceys and French families on the old Van Cortlandt property, were two stories high, with a double pitched roof, and of small, yellow bricks, which it is the habit to call "Holland," though they were not necessarily of Dutch make. No doubt in the earlier days bricks were brought out as ballast in the Amsterdam trading-ships, but there were material and kilns enough in the colony for all its needs.

Mention has been made of Colden's fine chariot imported to take the place of that destroyed on the Bowling Green. Du Simitière gives a list of the gentlemen who kept their coaches, chariots or post-chaises, and phaetons in 1770. There were twenty-six of the former, thirty-three of the second class, and twenty-six of the last — a total of eighty-five vehicles — many of these ornamented with the coats of arms of their owners on the panels.

Mention has been made of New-York hospitality. It was a tradition from the time of the early Dutch settlement. Good living was the rule, not the exception, in this colony. It would have been shameful were it otherwise, for nowhere on this continent, nor perhaps on any other, was there such profusion of native and imported products to delight the inner man as in the New-York province. What are now termed luxuries were then within reach of the poorest. From the ocean came salt-water fish of the choicest kinds, to which the gentlemen were so partial that in 1763 they clubbed together and built a fishing-smack, the Amherst, which made her first trip to the "Banks" in July of that year. Other combinations followed this so rapidly that the supply outran the demand, and the Amherst was sold. The Shrewsbury Banks, an arm of the Sandy Hook Bay, was the fishing-ground whence the city drew its main supply of sea-fish. The fish were usually brought in alive, and the principal catch was of codfish, sheepshead (that from Gravesend Bay being unequaled in quality), and mackerel. From the Jersey shore also came in great abundance the king-fish, the most esteemed of all varieties by old epi-

[1] The ship-yards on the East River were owned by the Waltons, and from the hands of their skilled designers and builders sprung the saucy fleet of privateers which scoured the seas in colonial days, and were the precursors of that later merchant marine which carried the glad tidings of the birth of the new republic, with its starry emblem of hope, to the oppressed of every clime.

cures; and the sea-bass, which, always highly prized, has of late years been pronounced by foreigners the very best of our salt-water fish. The Hudson River swarmed with shad in spring, and the striped bass ran in multitudes through the rapid waters of the East River in the autumn months; while beneath the numerous rocks which underlie its troubled surface, the tautog blackfish lurked in great numbers. To complete the variety, the Long Island ponds and streams abounded in perch and chub and trout, and the lamper-eel and catfish, dear to the heart of the dark-skinned servants of the day. Gaine's "Mercury" of May, 1783, reports twenty-three different sorts of fresh fish as for sale in the market on May 26. Twenty years later a list displayed fifty-six varieties. New-York is still famous for its shell-fish, oysters and clams, lobsters and crabs; but the old Blue Point oyster of the South Bay has dwindled from its once great size to diminutive proportions, and the endless varieties, each with its own merit of flavor and of flesh,—the Spuyten Duyvil, the Pelham, and the Harlem Creek, the East River, the Middle Rock, and the Mill Pond (a carefully cultivated kind),—have utterly disappeared because of the disturbance of our waters by the growth of the city and the establishment of factories on the water-line. So also the lobster, which grew to great size about the Black Rock (off Ninety-second street, East River), and has been sold within

THE RHINELANDER SUGAR-HOUSE.[1]

[1] It was erected in 1763 by Bernart R. Cuyler, and its solid, unbroken walls stand as a silent testimonial to the honesty of the dead and gone builder. The date and the architect's initials are still to be seen on the side of the building, worked in wrought-iron characters, quaint and old. The Rhinelander family has owned the property since 1790, and much of the land around it has been in their possession much longer than that. When first erected the house was used as a sugar-house, but the great interest in the old building is in the memory of the use to which it was put in Revolutionary times. The grated windows, the dungeon-like underground cellars, the general air of solidity and impregnability which impress the observer at first sight, bear out the assertion, which has become a creed among the neighbors, that during the Revolution the sugar-house was diverted from its legitimate use and turned into a British prison, where many an American patriot suffered not only imprisonment, but cruelties and starvation. That it must have made a prison of the worst kind was lately to be seen by a look at the forbidding building from Rose street, when the sides facing on that street were exposed to full view by the demolition of the modern structures which had covered them for years. At the present writing the structure is no more. On the side facing toward the east many windows were walled up during the last fifteen years, but there were still six grated openings left. Three were in the gable and the others along the south side. Underneath them was a great vaulted passageway made of heavy masonry like the whole building. Still another opening was to be seen alongside of it, half-hidden by rubbish, and the barred outline of another cell-window also visible after close examination. The key of the ancient prison is still preserved. It is a large affair of wrought iron, about a foot long, and weighs about half a pound. A number of other relics have been found and preserved, among them a heavy iron ax, shaped like a battle-ax, and a coin, inscribed "Carolus III, Dei Gratia, 1791," on one side, and "M. 2 R. F. F. Hispan et Indrex" on the other, was found between the boards of the floor. EDITOR.

the memory of the present generation at two cents the pound, is already a stranger to our waters.

Game, both of flesh and fowl, was in equal abundance. There were deer on Long Island, hares and rabbits in abundance, and the air was thick with wild fowl in the seasons of flight. The elders of the passing generation have seen armies of geese on their southern migration, and flocks of ducks hanging over the Harlem flats, so thick as to cast their shadows on the plain like obscuring clouds; and woodcock were in abundance in the coverts about Jones's Wood and the line of present Eighty-sixth street. The New-York gentleman who in the colonial days varied his business occupation with a few days' shooting had no lack of sport. Such inveterate Nimrods as Theophylact Bache, whilom president of the Chamber of Commerce, had their country-seats at Flushing, L. I., in the last half of the past century; and it is said of them, as the writer has seen of others with his own eyes in the first half of this century, that, starting out with a horse and wagon and a brace of hunting dogs, they would return after an outing to Islip and the Moriches, with a heaping load of game, large and small, partridge and quail, plover and snipe, wild geese and ducks, the beautiful pile of variegated plumage sometimes surmounted by the antlered carcass of a deer.

There is nothing special to be said of the meat staples; but there was a constant importation of fine stock, and as the pastures of Long Island and of the North River counties were rich of soil, there is no doubt of their quality. In 1761 the standard prices, as established by law, were: beef, 4½d. per pound; pork, 5½d.; veal, 4½d. to 6d.; butter, 15d. per pound; and milk at six coppers the quart. Bread by the assize: the price of a loaf of one pound (twelve ounces) was fixed at four coppers. The fine wheat flour of the New-York colony had no superior in the world.

Vegetables were in unusual plenty. This was a taste inherited from the Dutch; the English to this day knowing little of the vegetable as a delicacy, though using it freely as a food. The finer varieties were grown in gentlemen's gardens, which abounded within the city limits. The Harlem flats were prolific in this product. The markets were supplied from boats which daily brought in their high-heaped loads from the Jersey flats and Long Island. The asparagus from the Coney Island marsh, long, white, and rose-tipped like a lady's finger, was noted for its peculiar aroma, smacking of its native saline origin. The Bermuda potato was already domesticated: a sample was brought to New-York from Plumb Island in 1748 which weighed no less than seven and one half pounds.

Nor was there a less abundance of fruit. By universal consent the Newtown pippin is the king of apples. In the colonial days the golden

variety of this crisp, aromatic fruit bore away the palm. The Dutch were partial to the russet, a variety now rarely found in old-time perfection. Among pears the Seckel, which grew to perfection on Long Island, was easily the favorite. The constant trade with the English West India Islands kept the city fully supplied with tropical fruit; and in the season the wharves fairly groaned with the weight of the pineapples, oranges, and plantains from Jamaica and St. Eustatius, constituting the deck-loads of the barks and brigs which brought in the sugar and molasses from these sunny isles. The sugar was intended for the refineries which the Bayards and the Livingstons, the Cuylers, the Roosevelts, and the Van Cortlandts, had for years conducted to their great profit;[1] while the molasses was for the numerous distilleries which supplied the city and the Indian traders with the staple drink of the century, "Jamaica rum." Rarely was a meeting held of the merchants at their "Long Room over the Exchange"; or of the Whig club of lawyers which met at the King's Arms Tavern, where George Burns kept the Gentlemen's Coffee-house, and plotted to destroy church and state (according to Judge Jones); or of the Social Club at Sam Fraunces', without a bowl of fragrant beverage of which rum was the main ingredient.

But this was the convivial, not the customary drink of the day. The flowing bowl was reserved for the tavern, or social gatherings. Madeira, king of wines, reigned supreme at the tables of the gentry. True, there were always to be found the wines of Sicily and the Canary Isles, the red vintages of Oporto and Bordeaux, the bright aromatic product of the Xeres and Amontillado districts, and champagne occasionally appeared. But for the staple every-day drink, and for the more solemn occasions,—birthdays, majority-days, marriages, and funerals, the only great events of social life,—Madeira, and Madeira only, was the wine; and the skilful gentleman who looked to his wines as his notable lady to her larder and preserve-room, knew well the process by which, with age and care, he could bring his vintages to each note in the gamut of flavor and delicacy. A gentleman's cellar was no sinecure, nor was its construction the affair of an hour or a day. As each vessel laden with the precious freight arrived (the cargo, all in casks, had no distinctive name, but thereafter took that of the year of the vintage alone), the merits of the wine would be tested. Certain vintages became famous: that of 1767 had a reputation equal to that of the later vintage of the comet year.

[1] The Livingston sugar-house stood in Crown street (now Liberty), near the Dutch church. Many citizens will remember the stone archway through which the mails were delivered from the Post-office established in the church adjoining. The Bayard's was in Wall street, close to the City Hall; the Van Cortlandt's, on the northwest corner of Trinity churchyard; the Roosevelt's, in Queen street, near the Walton House; the Cuyler's, later the Rhinelander's, on the corner of Rose and Duane streets, has only lately been torn down.

MAP OF NEW-YORK IN 1767.

One cask or more were selected, duly cellared, and kept in the wood. One cask only was drawn from during the first year. The next year a second purchase was made. The partly emptied cask was filled from the new purchase; the third year the process was repeated, the new wine being used every day, and the predecessors, in the order of the importance of the occasion, according to their ages. In due time the older wines were drawn off in demijohns, or sometimes bottled. The lees of the casks served as a base for the Jamaica rum, and gave it a wonderful aroma. But only ample cellars could afford this degenerate use. The cellars took the names of their owners when, by some luckless hap, they came to the vendue-room — a rare fate. The vintages treated by wine-merchants later took the names of the vessels by which they were received. Instances in a not remote day must be familiar, as the Essex, Jr., the Juno, and the Brahmin Madeiras were all from the same vineyard, and brought in by these vessels, while the Farquhar, the Bingham, and the Paulding Madeiras took their names from the owners of the respective cellars; the March and Benson, from the importers; the Monteiros, from the grower; the Metternich, from the origin of the grape. All these, however, are modern fashions. There is no trace of them in the colonial days.

Let us now look for a moment into the manner of life and amusements of our forefathers. Their habits were regular, or rather their hours were regular. They rose early, if not with the sun, and had an hour or more at their office or stores, which, before the Revolution, were usually under the same roof as their dwellings; and after a visit to the market, which no head of a New-York house ever omitted, breakfasted in a hearty manner. The dinner-hour was from one to three, and the tea at nightfall, what to-day would be called "high tea." A supper invariably followed at the tavern, or coffee-house, where ale or punch was drunk, crabs were picked out, or escalloped oysters (a favorite dish) eaten, and pipes smoked in the winter; or in the summer lighter beverages, with fruit or ices, consumed at the tea- and mead-houses, the Ranelagh or the Vauxhall, on the outskirts of the town.

For the high gentry, the English officials, and those of the colony in particular who had country estates in the neighborhood of New-York, racing was the chief delight. New-Yorkers of to-day will open their eyes when they are told that in 1742 a race was run on the Church Farm, not a stone's throw to the northwest from where the present Astor House stands; and that here in 1750—five horses running for the October subscription plate — Mr. Lewis Morris, Jr., carried away the prize. His horse is not named. It was not the custom then to name horses which had not taken a purse, and this race was open only to horses which had never taken a purse on Manhattan

Island. The great course was the Newmarket, on Hempstead Plains, an ideal piece of ground for a track, to which, in May of that year, twenty chairs and chaises crossed the ferry[1] the day before the "event," and a far greater number of horses, "and it was thought that the number of horses on the plains at the race far exceeded a thousand." The chief racing-stables in the New-York province were those of Morris and De Lancey in Westchester. In 1753 the subscription plate was run for at Greenwich, on the estate of Admiral Sir Peter Warren, who had died the year previous, and which was now in charge of his kinsman and executor, Oliver De Lancey, a famous sportsman. General Monckton later occupied "Richmond" during his brief stay in this government. The governor had a fine horse named Smoaker, with which John Leary, the jockey of the day, won a bowl which he would not surrender to Watts, the general's friend, not even under threat of the terrors of the law. Five years later Leary was still tenacious. Besides the Church Farm and Greenwich tracks, there was a third course at Harlem. There were other New-Yorkers keen for the sport: Anthony Rutgers, of New-York, and Michael Kearney, Irish-born,—who married a daughter of Lewis Morris, and was ancestor of the dashing Phil Kearney of military fame,—were thorough sportsmen. The middle and southern colonies were not behind in their love of sports. Dr. Hamilton led the patrons of the turf in New Jersey, and Mr. Daniel Dulaney, who was also of Irish birth, those of Maryland.

THE LIVINGSTON SUGAR-HOUSE.

The Stamp Act Congress brought together in New-York gentlemen who knew each other well by reputation, but who had never before met in person. In the years that followed there sprung up a great rivalry between the northern and southern colonies. The years 1767, 1768, and 1769 are memorable in the history of the turf. Lewis Morris won reputation for his Westchester stables with his American Childers and Strumpet. In October, 1769, James De Lancey, with his imported horse, Lath, brought home from the Centre course at Philadelphia the £100 prize. The De Lancey stables were the most

[1] This ferry was from the Fly Market Slip, at the foot of the present Maiden Lane, to the landing at Brookland. Brooklyn was but a hamlet on the road to Jamaica, along which the drovers and farmers gathered.

expensive of any at the north, and from this period to the Revolution their colors were on every course. A curious instance shows the difficulties sportsmen as well as tradesmen had to contend with because of the debased state of the coinage and the irregular values of the currency of the colonies. On the Maryland course, Dulaney made a match with De Lancey for a race for a "struck half-bushel" of Spanish dollars — that is, by weight. Later the Marylanders declined to stake their money against Virginia currency at the Leestown course on the Potomac, the Virginia paper having been "counterfeited in a masterly manner."

The most celebrated of the races of the stamp-act period was that between True Briton and Selim in 1765, at the very height of the hostile feeling against Great Britain. True Briton was English-born; Selim, a grandson of the Godolphin Arabian, was American-born, and had the fleetest foot in the colonies. The race was over the Philadelphia course and for £1000 stakes. One Waters, who owned True Briton, had challenged the continent, in true British boastfulness of language, to a trial of speed. Samuel Galloway of Maryland answered his defiance with Selim. The race was hardly a trial of speed, but the matchless Selim bore off the honors and the purse. Another True Briton belonging to James De Lancey won Revolutionary fame. It is said of this animal that Colonel Oliver De Lancey would jump him back and forth from a standstill over a five-barred gate. In 1768, the "teriffic Selim" came to grief with Dr. Hamilton's Figure, a scion of the Duke of Devonshire's Arabian, on the course of Upper Marlborough, near Newburgh on the Hudson. These are but instances of the trials for speed in which the New-York stables were represented. They serve to show not only the spirit, but the wealth of the period.

Racing on the water was not much in fashion, though the gentry had their barges, and some their yachts or pleasure sail-boats. The most elaborate barge (with awning and damask curtains) of which there is mention was that of Governor Montgomerie, and the most noted yacht was the Fancy, belonging to Colonel Lewis Morris, whose Morrisania manor, on the peaceful waters of the Sound, gave fine harbor and safe opportunity for sailing. There is an interesting account of a boat-race in 1756 by one of sixteen whale-boats (each manned by six men) which arrived in New-York from Cape Cod on the way to Albany for bateau service in the Canada campaign, with a "pettiauger" belonging to the city. The Cape Cod men won the wager with ease, much to the chagrin of the townsmen.

There were other less humane sports: bull-baiting, bear-baiting, and cock-fighting. A bull was baited in 1763 by the keeper of the tavern under the sign of the De Lancey Arms, in the Bowery Lane. Bulls were baited at Bayard's Mount, the elevation near the corner of Mul-

berry and Grand streets. Bear-baiting became more rare as the animals disappeared from this neighborhood. Cock-fighting was a more aristocratic pastime. The De Lanceys were patrons of this cruel sport, one to be traced to an English origin, but hardly less cruel than the old Dutch and New Netherland custom of "pulling the goose." Good fighting-cocks were advertised in the New-York papers, as were cock-gaffs of silver and steel; and the sign of the Fighting-Cocks long hung in such an aristocratic neighborhood as next door to the Exchange Coffee House. In 1763, however, it had been removed to a tavern at the Whitehall Slip. Shrove Tuesday was the day for the pitched mains. This sport lasted well into this century as a public amusement. Again, fox-hunting was a favorite pastime, both in the Pennsylvania and the New-York colony. There were foxes on this island, but the less broken grounds of Long Island afforded better running, and by permission each year three days' sport was had on the Flatland plains, the huntsmen meeting at daybreak during the autumn racing-season. That the sport offended some gentle natures appeared by a letter from a female, published before the Revolution, which closes with the delightful satire,

> **A fox is killed by twenty men,**
> **That fox perhaps had killed a hen;**
> **A gallant act no doubt is here!**
> **All wicked foxes ought to fear**
> **When twenty dogs and twenty men**
> **Can kill a fox that kill'd a hen.**

The side-shows afforded entertainment to a different class. There is notice of a panther, seven feet long, which leaped from a window into the street, in July, 1732, and was finally shot; but whence it came no man knew. In 1751 there was advertised to be seen at the house of Mr. Edward Willett, at Whitehall, a creature called a Japanese, of about two feet high, his body resembling a human body in all parts except the feet and tail: price, one shilling; children, ninepence. In 1765 there was to be seen at the house of Mr. Edward Barden in the Fields, at the sign of the King's Arms, a white girl, aged thirteen years, born of black parents; she is styled a "white-negro." And at the same place there was advertised to be sold "a likely negro man who can play very well on the French Horn and Trumpet, fitting to wait on a gentleman." In 1751 the town was invited to see, at the house of John Bannin, next door to Mr. Peter Brower's, near the Dutch church, "a curious live porcupine of various colors; a creature armed with darts, which resemble writing pens though of different colour, and which he shoots at any adversary with ease when angry or attacked, though otherwise of great good humour and gentleness." In

1755 Captain Seymour arrived in New-York in the ship Fame in eight weeks from Cadiz. He brought with him a young lioness which he took on board at Gibraltar. He also brought from the African coast two ostriches, "fowls of that country," but they died on the voyage. In 1754 a living alligator, full four feet long, was shown for sixpence. In December, 1759, at the sign of the Ship-a-Masting, at the upper end of Moravian street, near the back of Spring Garden, there was advertised to be seen "a wild animal lately brought from the Mississippi, called a Buffalo." Occasionally young elks were on exhibition.

Of shows of another variety there was in 1755, at the house of Adam Vandenberg in the Broadway, a musical machine which represented the tragedy of "Bateman." The showman was Richard Brickell, a

VIEW OF BROAD STREET AND THE CITY HALL.

famous posture-maker, who took the theater in Nassau street for a display of "his dancings and tumblings." Anthony Joseph Dugee, who in 1753 announced himself as "late an apprentice to the Grand Turk Mahomet Caratha," danced at Vandenberg's garden "on a slack rope scarcely perceptible, with and without a balance," a measure which had given the greatest satisfaction to the King of Great Britain. Wax figures were exhibited by Martha Gazley as early as 1731. They were of fruit and flowers; but a more ambitious effort was made in 1749, when "the effigies of the Royal Family of England, and the Empress Queen of Hungaria and Bohemia," with the play of "Whittington and his Cat," were the features of entertainment. In 1739 there was given in Holt's Long Room "a new pantomime in grotesque

characters, called "The Adventures of Harlequin and Scaramouch." Punch's opera, "Bateman, or the Unhappy Marriage," with a fine dialogue between Punch and his wife Joan, acted by "a set of lively figures late from Philadelphia," was given in 1747 at the sign of the Spread Eagle, near Whitehall Slip. The circus, with Mr. Faulk's noted performance in horsemanship, appears in 1771. The solar or camera-obscura microscope, and David Lockwood's unparalleled musical clock, which "had been shown twice to the King in his royal palace of St. James," delighted and instructed the town in 1743. A microcosm, or the world in miniature, was displayed at the New Exchange in 1756. A panorama of the battle of Culloden was exhibited in 1750. A grotto with a "Statue of Mars within pointing to General Amherst a short distance away, as meaning, 'Behold a living hero!'" was the curiosity of the neighborhood of the Bowling Green, being shown in the house next door to Mr. Rutherfurd's, in 1762. In 1763 the city of Malaga in miniature was exhibited opposite the Old Slip, and in 1764 a model of the city of Jerusalem, as Josephus describes it, was on view opposite "the Honorable John Watts' Esqr. near the Exchange." Experiments in electricity were given at the assembly-rooms of the City Arms in the Broadway by William Johnson in 1763. These notices have been given somewhat in detail as showing the manner in which localities were indicated in the days when street numbers were unknown, and signs appearing to the eye were the only guides. The theater opened, as has been stated, in 1750. The performances continued, with occasional interruptions, till August, 1773, when the depression arising from the political situation brought all public and most private entertainments to a close.

The public balls were given at the principal taverns. After the middle of the century the long room at the City Arms on the Broadway was the favorite dancing-hall. The most minute account of the dances appears in the notice of the ball in honor of the Prince of Wales's birthday, in 1735, at the Black Horse Tavern, near the Old Dutch church. The ball opened with French dances,—the gavotte, the minuet, the courante, and the chacone,—all somewhat grave in their movement, and therefore suited to the stiff-starched fashion of both female and male attire. After this Mrs. Norris led down the country-dances. She was a daughter of Colonel Lewis Morris, and had married Captain Norris of H. M. S. Tartar, second son of Admiral Sir John Norris, an officer on the Atlantic station. Dancing assemblies met also at the City Arms once a fortnight during the gay season. In 1763 Charles McEvers and C. Duane were the managers. Concerts, instrumental and vocal, were given here also. In 1765 Mr. Hulet announced a concert, and that "the first violin would be performed by a gentleman lately arrived," and a solo by the same hand

(evidently an amateur), the other instrumental parts by gentlemen of the town. The dancing assembly was an idea of Edward Willett, the host of the Province Arms, and the subscription to each meeting was eight shillings.

A word as to costume. The day habits were plain enough, as the gentlemen were all busy and the housewives had no idle time on their hands in a population whose chief occupation seems to have been eating and drinking; but the evening dress was always of the very latest St. James cut. The men wore long-waisted coats of velvet, silk- or satin-lined, silver- or gold- embroidered, buttons of precious metal, cuffs and jabots of rich Flemish or Spanish lace, long waistcoats of brilliant pattern, small-clothes, silk stockings, and diamond- or paste-buckled shoes; their gloves were white dressed leather, with lace trimmings; they had wigs or perukes; they carried cocked hats, and wore silver-hilted swords, which hung from richly embroidered sashes. In a word, they could ruffle it with the best of their English cousins. The ladies dressed their hair low or high according to the latest mode, wore stiff laced bodices, skirts with deep panniers, hooped petticoats of considerable width (though not as vast as those of the London dames, which blocked the passages), high-heeled colored shoes, and, later, slippers of dainty satin or white dressed kid. They carried fans of the latest pattern. The stuffs were rich, and heavily brocaded in bunches of gold and silver of the large English pattern. By day they were simple as Cinderella at the chimney-corner. Their gowns were of plain, sensible material, woolen or calico, made short, with aprons of linen; their hats small, their hoods quiet, and at home always a muslin cap. There was a vast variety of dress-goods from which to select, shipped from the four quarters of the globe. Of this we may judge from the first advertisement of Mr. Isaac Low, one of the leading dry-goods importers. On November 6, 1766, he announced in Holt's "New-York Journal" that he "has just imported an assortment of goods suitable to the season, consisting of coatings, broadcloths, flannels, embossed serges; Paris-fans and half sticks, spotted ermine shalloons, satinets, callimancoes, oznabrigs, sheeting; Russia drilling donlass, garlix Callicoes, cottons, cambricks, lawns; both muslin taffatus, Persian cotton lungee and new silk romalls, bandannoes and women's gloves; worsted and cotton hose, &c., &c. which he will sell on the most reasonable terms at his store, between the Exchange and Coenties market. Imported since the above: A fresh assortment of beautiful checks and callicoes from the fountain head; Scots handkerchiefs, bed bunts, bed ticks, gartering, binding, &c." In 1768 he advertised flowered petticoating, silk corsets and Damascus silk Lorettos, silk burdets and dressed deerskins.

Surely, as Judge Jones implies, these were times of Arcadian sim-

plicity, days when, as our modern satirist would say, "Miss Flora McFlimsey had nothing to wear." Richard Norris, stay-maker from London, in 1771 advertised "all sorts of stays turned and plain, thick or thin, straw, cut French hips and German jackets after the newest and best manner." Any ladies uneasy in their shape he likewise fits without any incumbrance, all "by methods approved by the society of Stay makers in London." Rivington, the printer, advertised "Coque de pearl necklaces, hair pins, sprigs and ear rings set round with marquisates in a new taste: fine paste and stone shoe buckles from thirty-five shillings to ten pounds and lockets for the sweet remembrance from four shillings to three pounds." Nor were the men, like our German second cousins, willing that the fair sex should have all the glitter, as similar notices show. John Still, "an honest barber and peruke maker from London," who lived in Rosemary, announced, in 1750, "Tyes, full bottoms, Majors, Spencers, Fox tails, Ramalies, Tucks, Cuts and bob perukes"—quite a variety of headgear; also "Ladies' Talematongues and Towers after the manner that is now worn at court." The military costumes were brilliant. Scarlet with blue facings was the army color. Blue and white were given to the navy by George II.—"George the Victorious," as the loyal colonists called their fortunate king. The working-classes wore fustian or homespun stuffs, short coats or tunics with knee-breeches of corduroy, woolen stockings, and felt hats or caps of ordinary fur. The negroes affected color and wore garbs of not different pattern, but of motley hue.

Until 1762 the streets were lighted only by lanterns suspended from the windows, but in this year public lamps and lamp-posts were set up in the thoroughfares and lighted at the public expense. These were protected by a heavy fine inflicted on any one doing damage, as happened at the hands of the soldiers in the violent times of the stamp act. In this same direction the merchants proved themselves alive to their interests, by petitioning the assembly, in 1761, for the erection of a lighthouse at Sandy Hook. The funds were raised by lottery. It was completed and lighted for the first time in June, 1763. The latitude of the flag-bastion at Fort George was established for the Chamber of Commerce in October, 1769, by David Rittenhouse, one of the most celebrated scientific observers of the day.

The year 1768 has been selected as the central point about which to group the features of this local picture. It was a year of hope and promise. In this year the Chamber of Commerce, the first mercantile institution on the continent, was founded. Campbell, in his celebrated "Political Survey of Great Britain," thus describes the city: "The City of New-York is seated in 41 d 42 m north latitude. The road before it though inconvenienced with ice in very hard winters

is notwithstanding always open — this with other circumstances renders it a place of great resort and a very extensive commerce. They export to the West Indies bread, peas, rye, meal, Indian corn, horses, sheep, beef, pork and at least eighty thousand barrels of flour; their returns are rum, sugar and molasses. They send provisions to the Spanish Main. They have a considerable share in the log wood trade; wheat, flour, Indian corn and lumber they send to London and Madeira. They have also a correspondence with Hamburg and Holland which A. D. 1769 amounted to 246,522£. In the succeeding year the ships entered were 196, sloops 431; cleared outward, ships 188, sloops 424."

In the plan of New-York surveyed in 1766 and 1767 by Bernard Ratzer, the most northerly street on the west side of Broadway was Reade street; on the East River side, Catharine street. The line of Division street in the Out Ward stopped at Arundel street, and the line of the Bowery left its last laid-out cross-street at Bullock (now Broome) street. On the west side the road to Greenwich passed the estate of G. Harrison, Esq., the foundry, Lispenard's estate on the Lispenard meadows, the estate of Abraham Mortier, paymaster-general of the royal army from 1758 to 1761, afterward known as Richmond Hill, and the estate of Lady Warren, widow of the admiral. In the rear of this property an inner road communicated with the estate of Oliver De Lancey, which was called the Monument Road because of a monument erected at its upper end to General Wolfe, the hero of Quebec. De Lancey's seat was on the river-side, and below this, in the order named, were those of William Bayard and of James Jauncey. The only seats situated on the East River side above Corlaer's Hook, or Crown Point Bend, and above the salt meadows, were those of Nicholas Stuyvesant, Gerard Stuyvesant, Peter Stuyvesant, J. Keteltas and John Watts; and within, on the Bowery Lane, going northward from the city limits, the property of James De Lancey on the right, of Dyckman, Herring, and Andrew Elliot on the left, and of T. Tiebout and James Duane on the right. James Duane's farm was on the site of the present Gramercy Park.

In his references Ratzer names Fort George, seventeen churches, one synagogue, the City Hall, the Exchange, the prison (which stood on the common), the college, the theater, five markets (Fish, Old Slip, Fly, Peck's, Oswego), the upper barracks, the powder-house, the Jews' burial-ground (still at the head of Chatham), the lower barracks, and the artillery stores. The closely settled portion lay in the triangle from the North River at Reade street to the East River at Catharine street. Yet, though small, as Colden wrote to the home government, New-York was already the center of opinion as much as she was the strategic center of the continent.

LETTERS OF ALEXANDER MACKRABY TO SIR PHILIP FRANCIS.

NEW YORK: 4th June 1768.

Dear Brother: . . . I am but just arrived, and find a ship on the point of sailing for London. I have little to say, but that I have been eat up almost by mosquitoes on the road. You must have felt the venom of those cursed insects in Portugal. I am so mauled that I don't know if my legs will be fit to appear in public tomorrow; if they should, I wait upon the General and Captain Maturin. I shall likewise deliver your letter to Mr. Atche Thompson, who is a considerable merchant here. I was very fortunate in my company hither. I came with a young gentleman of one of the first families in the city, who has lately married a very pretty agreeable girl in Philadelphia; so I shall get into parties both male and female while I continue among them. We met Captain Francis upon the road, but I did not know him. I hope to see him in less than a fortnight in Philadelphia. His character makes me very desirous of an acquaintance with him, and I am not upon bad terms with his family. This is an advantage I have to thank you for, as well as for almost every other which does me credit on this side of the water. . . .

The devil take my bank-book, and the man who picked it up! I wish he was bitten all over with mosquitoes, and that I had the scratching of him! You will certainly be right in making a purchase of lands in America, and no time so proper as the present. They are to be had at a lower rate now than could have been at any period for years past, owing to the extreme scarcity of money. Your coz., the Captain, I dare say, is a good judge of situations.

This is a better place for company and amusements than Philadelphia; more gay and lively. I have already seen some pretty women.

You may tell my sister that I get acquainted with families, and drink tea, and play at cards; and go about to assemblies dancing minuets. I shall hardly get any dancing here. It is growing very hot, and Sir Harry Moore is gone back into the country; they say land jobbing. I am stunned with the firing of guns and crackers, on account of the King's birthday; all the town illuminated. The General makes all the officers in the town drunk at his house. . . .

NEW YORK: 13th June 1768.

. . . I am upon the point of returning to Philadelphia, and shall set out tomorrow. The novelty of this place made me think it more enchanting at first than I now find it. As to its situation, it affords nothing extraordinary but the North river, which is navigable for large sloops 170 miles up the country, and by its junction with smaller streams, opens a vast communication with the interior parts. This, you know, is a great advantage, and makes lands above much more valuable. Our river at Philadelphia, tho' a mile broad at the city is not navigable more than thirty miles above it. With regard to the people, manner, living, and conversation, one day shows you as much as fifty. Here are no diversions at all at present. The plays are over, and I told you some time since the cause of there being no assemblies. I have gone dining about from house to house, but meet with the same dull round of topics everywhere — lands, Madeira wine, fishing parties, or politics, make up the sum total. They have a vile practice here, which is peculiar to the city: I mean that of playing at back-gammon (a noise I detest), which is going forward in the public coffee-houses from morning till night, frequently ten or a dozen tables at a time. I think a single man in America is one of the most wretched beings I can conceive, yet our friend Atchy Thompson is still a bachelor; but he talks of going to Europe immediately upon the return of his partner, I believe to settle in Ireland or London. He is a good-natured youth, and I believe in a very good way. . . .

I waited on General Gage, and had the honour of some conversation with him. It was lucky I went at the time I did, as he has been out of town almost ever since.

So has Captain Maturin; but he paid me a visit this morning, and with the extremest politeness told me how much he was concerned at my departure; that he hoped to have had the honour of seeing me at his house: that he will be always proud of an opportunity to show any civilities to Mr. Francis's friends, and that I may depend upon his forwarding my letters constantly. In fact, he is a very agreeable well-bred man, and his lady a pretty woman. I wish I could have been better acquainted with him, which I certainly will, whenever I come to New York again. . . .

I live a tolerably jolly life, but I see no prospect of getting rich. Plague take this subordination. I want to make a ramble about 200 miles up the country. Sir William Johnson holds a congress of a vast number of Indian tribes. Governor is going up thither, and a great many strangers. I have a violent curiosity to see something of that nature. . . . Heavens! what an immense country this is!

15th June (1768).

I am here still. There never was such uncomfortable weather. So uncertain is this climate, that in the morning you may wear a suit of cloth cloathes, at noon sit in your shirt with windows and doors open, and in the evening of the same day, wrap yourselves up in a fur cloak. . . .

Among the many disputes in this and the more northern parts of America, the religions are not the least. The zealous members of the Church of England are full of apprehensions at the great and growing power of the Presbyterians. Don't imagine that I mean in any matters that regard salvation; that affair might have been left to shift for itself at doomsday. The alarm was taken at an election lately; since which the parties have raged with tolerable violence. The Church people, conscious that the Presbyterians, who have the appointment of their own ministers, must always outnumber them, are desirous of having some person here vested with the power of ordination — but they don't like a bishop, nor ecclesiastical courts, in short, they don't know what they want. You remember Dean Swift was to have been made Bishop of Virginia. The Presbyterians should not be allowed to grow too great. They are all of republican principles. The Bostonians are Presbyterians. . . .

RESIDENCES AND STORES OF THE MERCHANTS OF NEW-YORK, 1768.

(From Holt's "New-York Journal" and Gaine's "New-York Mercury.")

ALEXANDER, ROBERT. See Thompson & Alexander.

ALLICOCKE, JOSEPH, Wines, Spirits, Groceries; "*Corner House fronting Wall and Queen Streets*, where Mr. Peter Remsen formerly lived"; removed May, 1769, to "*the House in Wall Street* wherein Thomas William Moore lately lived."

ALSOP, JOHN, General Importing Business; *Store in Hanover Square.*

AMIEL, JOHN, General Groceries; Store in South Street, nearly opposite Mr. Augustus Van Horne's.

BAYARD, SAMUEL, JR., Importer of European and India Goods; Store in *Queen Street.*

BACHE, THEOPHYLACT, Importer of European and India Goods; owner of ship Grace, William Chambers, Master — Bristol Trader; *Hanover Square, South Side.*

BEEKMAN, GERARD WILLIAM, Importer of Dry Goods; House in *Dock Street.*

BEEKMAN, JAMES, Importer of European and India Goods; *Store in Queen Street.*

BOGART, HENRY C., West India Goods; *Smith Street,* next door to Mr. Robert Ray's, near Old Dutch Church.

BOOTH, BENJAMIN, Importer of European Goods; "*Store near the Fly Market and the Ferry Stairs in the Street leading from thence to the Coffee House;* removed February, 1769, to the *large new store of Mr. Peter Clopper, near the corner of Maiden Lane, at the upper end of the Fly Market.*"

BREVOORT, HENRY. Iron Mongery, at the "Sign of the Frying Pan," *Queen Street, between the Fly Market and Burling's Slip.*

BUCHANAN, THOMAS. See Walter and Thomas Buchanan.

BUCHANAN, WALTER AND THOMAS, Importers from England and Scotland, Dry Goods, &c.; *Queen Street, near the Fly Market.*

CORSA & BULL (Colonel Isaac Corsa and Joseph Bull), Importers; Shop near *Peck's Slip.*

CRUGER, HENRY AND JOHN, Shipping Business; Owners of Bristol Traders; *Cruger's Dock.*

CRUGER, JOHN (late Mayor), of Henry and John Cruger; House opposite to Mr. Lott's in *Smith Street.*

CRUGER, JOHN HARRIS, Importer and Shipping Merchant, English and West India Trade; *near the Exchange.*

DESBROSSES, ELIAS, Importer of European Goods; Corner House, late Major Van Horne's, two doors from Abraham De Peyster's, *between the Fly Market and Merchants' Coffee House.*

DUYCKINCK, GERARDUS, Drugs, Medicines, Stationery, "The Universal Store," at the "Sign of the Looking Glass and Druggist Pot," *Dock Street*, Corner of *the Old Slip Market.*

FOLLIOTT, GEORGE & Co., Importers of European Goods; *Dock Street.*

FRANKLIN, WALTER & Co., General Shipping and Importing Business; *Store in Wall Street.*

HOFFMAN & LUDLOW (Nicholas Hoffman and Gabriel H. Ludlow), Vendue Masters; *Dock Street.*

KETELTAS & SHARPE (Peter Keteltas and Richard Sharpe), Clerks of the Old Insurance Office at the *Coffee House.*

KEMBLE, SAMUEL, Captain; Commander of Snow General Gage, London Trader.

LAIGHT, EDWARD, Iron Mongery and Cutlery; *St. George's Square*, opposite the Honorable William Walton's.

LISPENARD, LEONARD, JR., at the "Brewerie" on the *North River.*

LIVINGSTON, PHILIP, General Importing Business; "Store on the *New Dock (Burnet's Quay), near the Ferry Stairs.*"

LOW, ISAAC, General and Importing Business, Beaver Skins, &c.; Store between the *Coenties Market and the Exchange.*

MCADAM, WILLIAM, General Importer; *Smith Street*, near the New Dutch Church.

MCDAVITT, PATRICK, Vendue Master; Corner of *King Street*, opposite Alderman Desbrosses'.

MCDONALD, ALEXANDER, Captain; Importer of Dry Goods, Madeira Wine, &c., "*near the Merchants' Coffee House.*"

MCEVERS, CHARLES, Importer of European and India Goods; Successor to James McEvers, *Hanover Square.*

MCEVERS, JAMES, Importer of European and India Goods; *Hanover Square.*

MARSTON, THOMAS AND JOHN, General Merchandise.

MILLER, THOMAS, Captain; Commander of ship Edward, London Trader, at *Murray's Wharf.*

MOORE, THOMAS WILLIAM, Importer and Vendue Master. See Moore & Lynsen. *Store in Wall Street, near the Coffee House.*

MOORE & LYNSEN, Vendue Masters (Thomas William Moore, Abraham Lynsen); dissolved May, 1769; *Wall Street.*

MOORE, LYNSEN & Co., Vendue Masters (Thomas William Moore, Abraham Lynsen, Daniel McCormick); *Wall Street.*

MURRAY, ROBERT, Shipping Merchant; *Store on Murray's Wharf.*

NEILSON, WILLIAM, Importer of English Dry Goods; *Store in Great Dock Street.*

NICOLL, CHARLES, Wine Importer, at *the White-Hall.*

PHENIX, DANIEL; House fronting on *Burnet's Street*, adjoining house where Mr. James De Peyster lives.

RAMADGE, SMITH, Dry Goods Importer; *Queen Street.*

RAMSAY, JOHN, Dry Goods Importer; *near the Fly Market.*

RANDALL, THOMAS, Captain; *Pearl Street.*

RAPALJE, GARRETT, Dry Goods Importer; *opposite the Fly Market;* Brew House (William Faulkner, Rem and Garrett Rapalje), *Brookland Ferry.*

READE, JOHN, Importer of European and India Goods, Shipping; *Store, Corner of Wall Street*, fronting *Queen Street.*

READE & YATES (Laurence Reade and Richard Yates), Importers of European and East India Goods; *Store, Wall Street.*

REMSEN, HENRY, JR. & COMPANY, Importers of Dry Goods, Prints, &c.; *Store in Hanover Square.*

REMSEN, PETER, General Importer of Dry Goods; at the *Corner of King Street.*

ROOSEVELT, ISAAC, Sugar Refiner; *Wall Street.*

SEARS, ISAAC, European and India Goods, Anchors, &c.; *Queen Street.*

SETON, WILLIAM, Importer of Dry Goods, European and India Goods; *Store on Cruger's Dock.*

SHARPE, RICHARD, New-York Air Furnace Company (Gilbert Forbes, Peter T. Curtenius, Richard Sharpe, &c.). See Keteltas & Sharpe.

SHERBROOKE, MILES (Perry, Hayes and Sherbrooke), General Importers; *Bayard Street.*

SIMSON, SAMPSON (Sampson and Solomon Simson), Shipping, Groceries, &c.; *Store in Stone Street.*

TAYLOR, JOHN, European and India Goods; *Hanover Square.*

TEMPLETON, OLIVER (Templeton & Stewart), Vendue Masters; opposite the *Coffee House Bridge.*

THOMPSON & ALEXANDER (Atcheson Thompson and Robert Alexander), Importers of Bottled Beer, Irish Beef, and Wines; *Great Dock Street, near Coenties Market.*

THURMAN, JOHN, JR., General Importer Dry Goods, West India Produce; *Wall Street, the corner of Smith Street.*

USTICK, WILLIAM, Hardware Merchant, Nail factory (William Ustick, Hubert Van Wagenen, Henry Ustick); "Sign of the Lock and Key," *between Burling's and Beekman's Slip.*

VAN DAM, ANTHONY, Importer of Wines, and Shipping Agent; *Store in Dock Street;* Secretary of the New York Insurance Company, *Merchants' Coffee House.*

VAN HORNE, AUGUSTUS, European and India Goods; *Smith Street.*

VAN ZANDT, JACOBUS, General Importing Business, Dry Goods, Groceries; *Rotten Row, near the Coffee House.*

VERPLANCK, SAMUEL, General Importer European Goods; *House in Wall Street.*

WADDELL, ROBERT ROSS (Greg, Cunningham & Co.), Shipping Merchants and Importers; *Hunter's Quay.*

WALLACE, HUGH AND ALEXANDER, Importers from Ireland, Linens, &c.; "*Counting House in Burnet's Street.*"

WALTON, JACOB AND WILLIAM; Ship Yard on the *East River.*

WALTON, WILLIAM (See Jacob and William Walton); Residence, *St. George's Square.*

WATSON & MURRAY (Jacob Watson and John Murray), General Importers of European and India Goods, West India Produce; *near Burling's Slip.*

WETHERHEAD, JOHN, Importer; Store near the *Bowling Green, in the Broadway.*

WHITE, HENRY, General Importer; *Cruger's Dock*, fronting the *East River.* Removed May, 1769, to the late Treasurer's (Abraham de Peyster), between the *Fly Market and Coffee House.*

Less than a hundred yards north of the fort, and in the center of Broadway, was the first piece of ground formally set apart by the authorities to be inclosed as a pleasure-ground[1] under a nominal lease. The first lessees were John Chambers, Peter Bayard, and Peter Jay, for the consideration of "one pepper corn per annum." Forty years after this transaction we find it "a beautiful ellipsis of land, railed in with solid iron, in the centre of which is a statue of his majesty on horseback, very large, of solid lead gilded with gold, standing on a pedestal of marble, very high."[2] Hardly was it to be expected that this modest bit of greensward should escape the "march

The accompanying view of New-York in 1776 is from the Hudson River. EDITOR.

[1] "Resolved, That this corporation will lease a piece of ground, lying at the lower end of Broadway facing the Fort, to some of the Inhabitants in order to be enclosed to make a Bowling Green there, with walks therein, for the beauty and ornament of said street as well as for the delight of the Inhabitants of this city." Resolution, City of New-York, 1732.

[2] Diary of John Adams.

of improvement" which lays waste as it advances; and yet to-day it meekly holds its own, a miniature oasis amid towering pyramids of brick and marble.

Even then there were the germs of a tasteful architecture in the city. Beginning with No. 1 Broadway (whose owner, Captain Archibald Kennedy, R. N., afterward Earl of Cassilis, occupied Bedlow's Island in summer), we find a landmark almost as imperishable as Bowling Green. Under its roof, soon after, lived Lord Howe; there honest old Putnam entertained a fair British spy, and noisy but thrifty "King" Sears rested awhile from his turbulence. Next door was the dwelling of John Watts,[1] prominent in the provincial council; his neighbor was Robert Livingston,[2] the father of the famous chancellor, while fourth in the row came the Van Cortlandts; on the opposite side was the handsome house of Sir Edward Pickering, Bart. The west side of Broadway has always been the popular one; then most of the houses had gardens extending to the river, which afforded a beautiful view from the balconies on that side; across the street there were few if any important dwellings, but shops were numerous. Other handsome residences were those of Leonard Lispenard, near Laight street; George Harrison, on "the Road to Greenwich"; Abraham Mortier, the British paymaster, of "Richmond Hill" (Varick and Charlton streets); and Lady Warren (widow of Admiral Sir Peter Warren, R. N.), whose grounds were bounded by Charles, Perry, Bleecker, and Fourth streets. Other country-seats were those of the De Lancey, Bayard,[3] Clarke, Murray, Scott,[4] Jauncey, Keteltas,

PHILIP LIVINGSTON'S TOMB.

[1] This house cost Mr. Watts, in 1792, £2,000; in 1836 $107,000 was offered for it and declined, and in 1858 it changed hands for $37,500.

[2] "Mr. [Peter Van Brugh] Livingston is a downright, straight-forward man: sensible and a gentleman: he has been in trade, is rich and now lives upon his income. Philip Livingston is a great, rough, rapid mortal. There is no holding any conversation with him. He blusters away: says if England should turn us adrift, we should instantly go to civil wars among ourselves, to determine which Colony should govern all the rest." Diary of John Adams, 1774–75.

[3] "Mr. William Bayard, Mr. McEvers and Mr. Beech are gentlemen who were very intimate with General Gage when he was here. Mr. Bayard has a son and a son-in-law in the army and a son in the service of the East India Company." Diary of John Adams, 1774–75.

[4] John Morin Scott, born at New-York, 1730; died September 14, 1784. Fourth in line of descent from Sir John Scott, Bart., of Annam,

Apthorpe, and Stuyvesant families. Perhaps the most elaborate and expensive house was that of the rich merchant William Walton,—known as "Boss" Walton,—standing on what is now Franklin Square, and described in a previous chapter.

A detour from the Walton house by way of Hanover Square to Broad street would, in 1775, have taken us through the seat of trade. There were the warehouses of the shipping merchants and importers[1] as well as of the general dealers. Although, as a rule, a man confined himself to the sale of particular wares, as teas, wines, dry-goods, or hardware, yet, occasionally, the features of modern Twenty-third street and of Sixth Avenue, as to a "general assortment," were anticipated; and we read, in the advertisements of the day, of one who sold "cables, hemp, and broadcloths for cash or country produce"; of another who was "a tallow-chandler, soap-boiler and dealer in watches, music and jewelry," while a third offered, without fear or favor, "pig-iron, anchors, pot-ash, kettles, negro-wenches and children, horses, etcetera." M. de Crève Cœur, an intelligent Frenchman, who visited New-York shortly before the Revolution, said: "I do not think there are any cities on this Continent where the art of constructing wharves has been pushed to a further extent. I have seen them made in 40 feet of water. This is done with the trunks of pines attached, which they gradually sink, fill in with stones and cover the surface with earth. Beaver street, to-day so far from the sea shore, was so called because formerly it was a little bay where these animals made a dike. Nothing is more beautiful, nothing can give to the contemplative spectator a higher idea of the wealth of this City as well as of the nature of a happy and free trade, than the multitude of vessels of all sizes which are constantly tacking in this Bay to leave or to reach the City."

At the corner of Pearl and Broad streets stood (and still stands) a famous "house of entertainment," kept by Samuel Fraunces, already frequently mentioned—familiarly known as "Black Sam," from his very dark visage, he being of French West-Indian blood. Sam was the Delmonico of his time, originally noted for the excellence of his pickles and preserves, from the profits of which he was enabled to set

county Roxburgh, Scotland. Graduated at Yale, 1746, and became a lawyer; eminent patriot, member of provincial committee and Congress, and brigadier-general New-York State troops, 1776; also member of Congress. "Mr. Scott is a lawyer of about fifty years of age; a sensible man but not very polite. He is said to be one of the readiest speakers upon the continent." "This morning rode three miles out of town to Mr. Scott's to breakfast — a very pleasant ride. Mr. Scott has an elegant seat there, with Hudson's river just beyond his house, and a rural prospect all around him. We sat in a fine airy entry till called into a front room to breakfast. A more elegant breakfast I never saw — rich plate, a very large silver teapot, napkins of the very finest materials, toast and bread and butter, in great perfection. After breakfast a plate of beautiful peaches, another of pears, and another of plums, and a muskmelon were placed upon the table." Diary of John Adams, 1774–75.

[1] Among merchants of the time were the following names: Allicocke, Axtill, Beekman, Bancker, Bache, Bowne, Brinckerhoff, Broome, Burling, Bruff, Curtenius, Cuyler, Duryee, Duyckinck, Farquharson, Franklin, Goelet, Hammersley, Laight, Le Roy, Livingston, Louden, Low, McEvers, Ramage, Remsen, Seaton, Ustick, Van Dam, Van Wagenen, Verplanck, Williamson, Wilson, *et al.*

"VIEW OF NEW-YORK."[1]

up for himself as a publican and caterer to those sinners who enjoyed good old Madeira, pipes, and politics. Here, for a long time and up to the eve of the Revolution, came "the Social Club,"[2] the forerunner of

[1] This and similar illustrations following are reproduced from views (published about 1783) forming part of the collection at the Augsburg Imperial Academy of Liberal Arts, after copies in possession of a Philadelphia collector. The titles are translated from those in French attached to the originals. It is obvious, of course, that the artist was guided by what he knew of contemporaneous architecture in some European capital, rather than by the reality.

[2] "List of Members of the Social Club," which passed Saturday evenings at Sam Francis', corner Broad and Dock streets, in winter and in summer at Kip's Bay, where they built a neat, large room for the club-house. Members of this club dispersed in December, 1775, and never afterward assembled. With comments by John Moore, formerly of H. B. M. Customs — N.Y. Hist. Soc. Coll.:

John Jay (disaffected). Became member of Congress, a resident minister to Spain, comr. to make peace, chief justice, minister to England, and on his return governor of New-York — a good and amiable man.

Gouverneur Morris (disaffected); member of Congress, minister to France, &c.

Robert R. Livingston (disaffected); minister to France, chancellor of New-York.

Egbert Benson (disaffected); district judge, New-York, and with Legislature — good man.

Morgan Lewis (disaffected); Governor of New-York, and a general in war of '12.

Gulian Verplanck (disaffected), but in Europe till 1783, President of New-York Bank.

John Livingston and his brother Henry (disaffected), but of no political importance.

James Seagrove (disaffected); went to the southward as a merchant.

Francis Lewis (disaffected), but of no political importance.

John Watts (doubtful); during the war recorder of New-York.

Leonard Lispenard and his brother Anthony (doubtful), but remained quiet at New-York.

Richard Harrison (loyal), but has since been recorder of New-York.

John Hay (loyal); an officer in British army, killed in West Indies.

Peter Van Schaack (loyal); a lawyer, remained quiet at Kinderhook.

Daniel Ludlow (loyal) during the war, since President Manhattan Bank.

Dr. S. Bard (loyal), though in 1775 doubtful, remained in New-York — a good man.

George Ludlow (loyal); remained on Long Island in quiet — a good man.

William, his brother (loyal), or supposed so, remained on Long Island — inoffensive man.

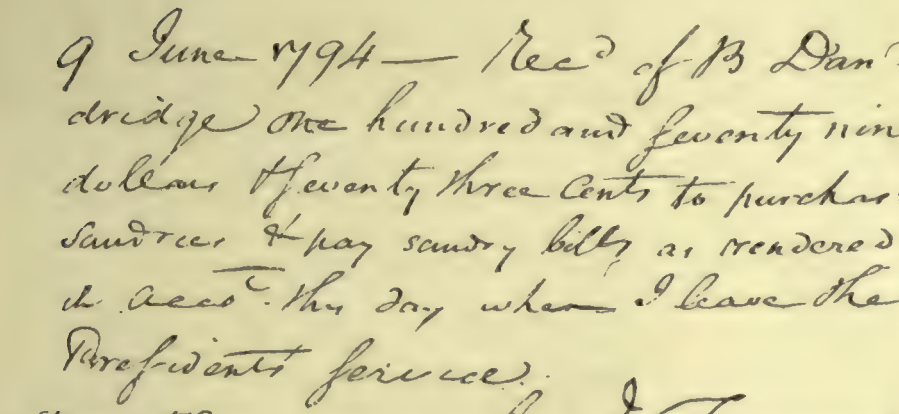
William Imlay (loyal) at first, but doubtful after 1777.

Edward Goold (loyal), at New-York all the war — a merchant.

John Reade (Pro and Con); would have proved

the "Union," the "Union League," and the "Manhattan," combining as it did the features of all. It was a small and somewhat exclusive organization, and it died of too much politics. But "Black Sam" survived to see many an invading redcoat soothed into peace or profound insensibility under the influence of his good cheer; to hear many a patriotic toast;[1] to furnish a stirrup-cup to the departing Britons, and to welcome to his table the victorious Washington. Later, Sam became the keeper of the presidential digestion as steward of the official mansion. We may also call to mind the shot from H. B. M. S. Asia, which opened hostilities in the harbor and a hole in Sam's roof, impelling the patriotic Freneau to indite the lines beginning:

> Scarce a broadside was ended 'till another began again.
> By Jove! It was nothing but fire away Flanagan!
> Some thought him saluting his Sallys and Nancys
> 'Till he drove a round-shot thro' the roof of Sam Francis.


9 June 1794 — Recd of B Dandridge One hundred and seventy nine dollars & seventy three Cents to purchase Sundries & pay sundry bills as rendered & Recd. this day when I leave the Presidents service.
$179 73/100.
Sam'l Fraunce

Other famous taverns there were, notably Burns's City Arms, which disputed with Faneuil Hall the right to the title of the "Cradle of Liberty." It stood for many years just above the Van Cortlandt House and opposite the upper end of Bowling Green. Its upper rooms were used for select dancing assemblies and special meetings of citi-

loyal, no doubt, had not his wife's family been otherwise.
J. Stevens (disaffected).
Henry Kelly (loyal); went to England and didn't return.
Stephen Rapelye, died in the New-York Hospital.
John Moore (loyal); in public life all the war and from 1765.

[1] At a dinner given at Fraunces' Tavern to General Wooster by the New-York Military Club, there were eighteen toasts, among which were (1) The King — better counselors to him: (3) General Washington and the army under his command: (5) A speedy union on constitutional principles between Great Britain and America: (8 May the disgrace of the rebels against the constitution be as conspicuous as that of the rebels against the House of Hanover: (13) May the enemies of America be turned into salt-petre and go off in hot blasts: (16) The daughters of America in the arms of her brave defenders *only*: (17) Death and jack-boots before dishonor and wooden shoes. "New-York Gazetteer," July 5, 1775.

zens. Here the two hundred principal merchants met in 1765 to sign the non-importation agreement, and here was formed the first committee of correspondence. A less honorable use was made of it as the temporary lodging-place of Arnold after his desertion to the enemy. On the same side, opposite Crown street (now Liberty street), stood the Kings Arms Tavern, a favorite lounging-place for British officers and young American bloods. One of its charms consisted of a broad piazza, in the rear, overlooking the river. Another famous resort was Hampden Hall, in the Spring Garden, which covered the ground now bounded by Broadway, Fulton, Nassau, and Ann streets. The house occupied the site of the "Herald" building, and was (1775) the headquarters of the Sons of Liberty.

Temples of learning were not numerous, but they were of excellent quality. King's College was, of course, the most important, although at the time but forty students were on its roll. The schools of Elphinstone and Murray, the former known as "the English School," fostered by Trinity Church, were among the most noted; and there was Mrs. Stakes, famous for the grandiloquence of her prospectus,[1] evidently framed to fit republican tastes. Literature and art, so far as native talent was concerned, were yet unborn. But one public library existed — the Society Library; the college had a working outfit, while private libraries were confined to the limited collections of professional men.

Of churches there was no lack. Leading off with the Church of England came Trinity, with its quaint interior, its towering spire, and its rounded chancel fronting the street; St. George's Chapel (Beekman, above Cliff) and St. Paul's, then a comparatively new structure destined to survive most of its contemporaries; the Lutheran (Rector and Broadway); Swamp Lutheran (Frankfort and North William); Old Dutch (Exchange Place, below Broad); Middle Dutch (Nassau and Liberty), where, in 1764, the first sermon in English was preached to the congregation; Presbyterian[2] (Wall, near

1 "Mrs. Stakes gives notice that at May next she expects to move into King street (next house but one to the late Doct. Ogilvie). . . . Her plan of teaching, though new, and very different from the common methods in use, has succeeded beyond any other. . . . Among the little Masters under her Care she flatters herself with hopes that the Publick as well as their respective families will receive great advantages — and from the towering Geniuses apparent among them, that some will hereafter attain to high posts and places of importance in government: and that they may fill their stations with Dignity and Honour. And among her little Misses she hopes she will become so famous for erudition and polite behavior, that all who esteem *good* rather than *fine* breeding in a Female, will love and admire them. If any should ask her meaning in the above distinction it is — That she teaches nothing appertaining to either Thrones or Theatres: For as she never expects any of her Scholars will be Kings and Queens, Gods or Goddesses: so she esteems it too gross a misuse of time, to lavish it on acquirements, which are an imposition on their senses, while young: and would be too immoral, as well as impracticable for them when grown older — She might hint too by the way, That her plan is a saving one as there will be no requirement of Dollars, to pave the high road to ambition, nor exhibition neither, in a school where they are taught that merit and not fine clothes, makes a fine woman, and that "manners make the man." "New-York Journal," April 27, 1775.

2 Erected, 1718; enlarged, 1768; rebuilt, 1810; burned, 1834; rebuilt and removed (1844) to Jersey City.

Broadway); Brick Presbyterian (Boston Road and Beekman); German Reformed (Nassau, near John); New Scots (Cedar, between Broadway and Nassau); Du St. Esprit, the ancient Huguenot church; Friends' Meeting House (Liberty, east of Broadway); the Moravian (Fulton); and, finally, the low wooden edifice under a sail-loft (William, between John and Fulton), used in turn by the Baptists and Methodists. The first Roman Catholic service in the city was held after the Revolution in what had been known as the Vauxhall Garden, on what is now Greenwich street, between Warren and Chambers streets, facing the North River.

Visitors to the city in 1775 would naturally have been taken to see some of the public improvements, such as the bridewell—the new stone two-storied jail just completed upon the common (west of the present City Hall); the waterworks, in course of construction, comprising a new well at the intersection of Broadway and Chambers street, with a system of wooden pipes[1] through which the water was distributed to the houses. If it were summer, a jaunt in a two-wheeled chaise over the Monument Drive would be the proper thing—along the line of Park Row and the Bowery to Astor Place, thence westward by way of Greenwich lane (passing Wolfe's monument) to the river road, on the present line of Greenwich street, and back to the point of departure; the tourist having enjoyed the varied charms of woodland and waterside, where now one is wearied with miles of brick and mortar and the roar and grime of ceaseless traffic.[2] Winter amusements included sleigh-rides and turtle-feasts, or an evening at the solitary theater in John street, near Broadway.

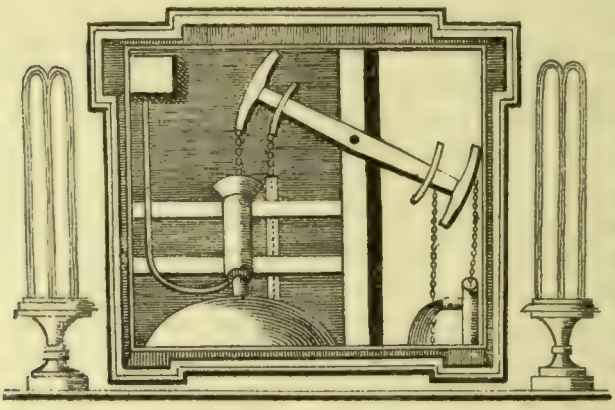
Society was divided into at least three classes: first, the large landholders and rich merchants; second, the ordinary tradesmen, small farmers, and mechanics; third, the sailors and fishermen, who form a transient and often turbulent element of every seaport. In the first class were found dignity, education, and refinement. In an extract from the letter[3] of a young Hessian officer who visited New-York early in the war time, the reader may perchance recognize the portrait of a fair ancestress. History says the Hessians in America

1 "I visited the Waterworks that are being made to convey water through the city, as that from the wells is very bad; so that the inhabitants prefer to buy water for making coffee out of carts employed in carrying it around the city. The well is forty feet in diameter, and thirty feet down to the surface of the water. In this well is an engine which forces the water almost to the top, and from thence through a wooden tube up to the top of the hill, which is a distance of about five rods. At the top of the hill is a pond covering one quarter of an acre from 8 to 11 feet deep." Diary of an American officer, 1776: Historical Magazine, 14; 315.

2 It was not every citizen of good family and fortune who chose to possess an equipage in those days, as witness a tabulated statement of the number and description of private carriages in the city in 1770, with names of owners (see Mr. G. W. Houghton's "Coaches of Colonial New-York"). It comprises only fifty-two residents and nine officers of the British army, whose coach-houses contained twenty-six coaches, thirty-three chariots, and twenty-six phaëtons.

3 "Letters of Hessian Officers" (William L. Stone), New-York, 1891.

were brutal and mercenary. Here is one both graceful and gallant: "The ladies in this vicinity are slender, of erect carriage, and, without being strong, are plump. They have small and pretty feet, good hands and arms, a very white skin, and a healthy color in the face, which requires no farther embellishment. They have also exceedingly white teeth, pretty lips, and sparkling, laughing eyes. In connection with these charms they have a natural bearing, essentially unrestrained, with open, frank countenances, and much native assurance. They are great admirers of cleanliness, and they keep themselves well shod. They friz their hair every day, and gather it up at the back of the head into a *chignon*, at the same time puffing it up in front. They generally walk about with their heads uncovered, and sometimes, but not often, wear some light fabric on their hair. Now and then some country nymph has her hair flowing down behind her, braiding it with a piece of ribbon. Should they go out (even though they be living in a hut) they throw a silk wrap about themselves and put on gloves. They have a charming way of wearing this wrap, by means of which they manage to show a portion of a small white elbow. They also put on some well-made and stylish little sunbonnet, from beneath which their roguish eyes have a most fascinating way of meeting yours."



ENGINE OF THE CITY WATERWORKS, 1776

The second class included very industrious and intelligent citizens —the real "minute-men" of the Revolution. Before that struggle they made no pretension in dress, wearing their leather aprons or other garb of avocation at all times. But it would seem that with the declaration that all men are born equal came the desire to demonstrate it by wearing fine clothes. The same observer whom we have already quoted wrote that "the wives and daughters of these people spend more than their income upon finery. The man must fish up the last penny he has in his pocket. The funniest part of it is, that the women do not seem to steal it from them; neither do they obtain it by cajolery, fighting or falling into a faint. How they obtain it, as obtain it they do, Heaven only knows; but that the men are heavily taxed for their extravagance is certain." When Lafayette revisited this country, long after the Revolution, he was struck by

the comparative uniformity of dress in the men he met with on the streets; nowhere did he see the apprentice's leather apron, and he was forced to exclaim, "But where are the people?"

The third class—the rough seafaring folk and loungers along the wharves—furnished reinforcements for the ante-Revolutionary riots. In all cases of tar and feathers and fence-rail equitation they were prompt and skilful. In the rural districts, occasionally, an element of humor softened the treatment of Tories.[1] The institution of slavery flourished on a small scale; it had entered the northern colonies as a West Indian luxury, side by side with rum and molasses; the negroes made good house-servants, and few New-York households were without at least one; many families owned four or five. In the pre-Revolutionary ferment the New-York slaves had not become an element of popular agitation, as in Boston in 1768[2] and Virginia in 1775. Perhaps the traditions of 1741, when a negro uprising in the city was promptly crushed, were unfavorable to such madness. In fact, the fidelity of these chattels was fully tested, during the war, as substitutes or body-servants for their masters in the field.

Nevertheless, at the period at which this chapter begins, the spirit of unrest pervaded every part of the town and every social relation. Trade languished, holidays were ignored,[3] the churches were deserted, the taverns were thronged. Staid merchants gathered at the Exchange on Broad street, and gravely discussed the situation; excited Liberty Boys "rallied" at Hampden Hall, and waxed wrathful over the latest London or Boston news; noisy groups of sailormen lounged

1 "Kinderhook, September 28, 1775. A young fellow, an enemy to the liberties of America, going one afternoon to a quilting, where a number of young women were collected, and he the only man in company, he began his aspersions on the Congress, as usual, and held forth some time on the subject, till the girls, exasperated at his impudence, laid hold of him, stripped him naked to the waist, and, instead of tar, covered him with molasses, and for feathers took the downy tops of flags, which grow in the meadows, and coated him well, and then let him go. He has prosecuted every one of them, and the matter has been tried before Justice S——. We have not as yet heard his worship's judgment." Rivington's "New-York Gazetteer."

2 "The several Constables of the Watch directed by the Selectmen to be watchful of the Negro, and to take up those of them that may be in gangs at unseasonable hours: Zachary Johonnet, Esq. Messers. Nathan Spear, William Foster and others enter their Complaint with the Selectmen against John Willson, Esq., of the Fifty-ninth Regiment of Foot, for practising on their Negro servants to induce them immediately to enter into a dangerous conspiracy against their Masters, promising them their freedom as a reward." Minutes of the Selectmen of Boston, October 31, 1768.

3 Holidays (1774–75): "By order of the honorable commissioners of his majesty's customs in North America, the following days are to be kept and observed as holidays, viz:

January 1	New Year's Day.
January 18	Queen's Birthday.
January 30	King Charles' Martyrdom.
	Shrove Tuesday.
	Ash Wednesday.
March 25	Lady Day.
	Good Friday.
	Easter Monday and Tuesday.
	Ascension.
April 23	St. George.
May 29	King Charles' Restoration.
June 4	King's Birthday.
	Whitsun Monday and Tuesday.
August 12	Prince of Wales Birthday.
September 18	Landing of King George I. and II.
September 22	Coronation.
October 25	Ascension.
November 1	All Saints.
November 5	Powder Plot.
December 25	Christmas Day.
December 26	Christmas Holiday.
December 27	Christmas Holiday.
December 28	Christmas Holiday.

"To the above may be added the following Provincial Days: General Fast, Thanksgiving, General Election, and Commencement at the College." "Valentine's Manual."

about the wharves, ready to take a hand in any mischief that brighter brains might concoct. The few redcoats in garrison were kept closely to their barracks to avoid increasing the friction. James Rivington, the editor of the "Gazetteer," one of the principal weekly newspapers, fell under the frown of the Liberty Boys on account of certain paragraphs believed to be detrimental to the patriot cause, notwithstanding the motto at the head of his journal, which he announced to be published at his "ever open and uninfluenced press." For this offense he was hung in effigy at New Brunswick, N. J.[1] This seems to have had a salutary effect upon his politics, for we read that "about 1781 he began to see that under the influence of the French Alliance and dissension in England the rebel cause was brightening. While, therefore, still continuing to utter the most loyal sentiments in his journal, he supplied the enemy, in rather an ingenious way, with all the latest intelligence. Being a bookbinder as well as a publisher, and being wholly unsuspected, he was permitted to send books to the Jerseys and elsewhere for sale. In the binding of the books were concealed despatches for Washington, who was thus supplied with the latest news from New-York and England."[2] The agents carrying these dangerous volumes were ignorant of their surreptitious contents, which the enemy never appear to have discovered.

HANGING OF RIVINGTON IN EFFIGY.

On Sunday, April 23, 1775, at noon, a dusty and travel-stained horseman dashed into the city with the news of the affair at Lexington, and, in a twinkling, copies of the despatch[3] he bore were posted at all places of public resort. Had anything been needed to increase the tension of popular feeling, the news from Massachusetts supplied it. It caused the lines to be at once more sharply defined between the Whigs and Tories. The war party was greatly strengthened. The committee of one hundred, composed of leading pat-

[1] The indignant editor, in his issue of April 20, 1775, one week after the occurrence, published a card, surmounted by a cut (reproduced above). It commenced as follows:

"To the Public.—The printer has been informed that a number of Bacchanalians at Brunswick, flushed with the inebriating draughts, not of the juice of the Vine, but of New England Rum, have sacrificed him to the *Idol of Licentiousness*. Lest this piece of heroism should not be sufficiently known, he has thought proper to exhibit a Representation of the scene in which he was thus offered up a Victim, that the fame of the Exploit may spread from Pole to Pole. . . ."

[2] "History Royal Regiment of Artillery," Duncan.

[3] Watertown, Wednesday morning, near 10 clock.

To All Friends of American Liberty be it known:

That this morning before break of day a brigade consisting of about 1,000 or 1,200 men landed at Phip's Farm, near Cambridge, and marched to Lexington, where they found a company of our colony militia in arms, upon whom they fired without any provocation, and killed 6 men and wounded 4 others. By an express from Boston we find another brigade are upon their march from Boston, supposed to be about 1,000. The bearer, Israel Bessel, is charged to alarm the country, quite to Connecticut, and all persons are desired to furnish him with fresh horses as they may be needed. . . . (Signed) T. PALMER,

One of the Committee of Safety.

THE NEWS FROM LEXINGTON.

patriots,[1] who were charged with the administration of local affairs, took prompt measures for the safety of the city and for an impending

[1] New-York, May 1, 1775. This day the following Gentlemen were chosen a General Committee for the City and County of New-York, in the present alarming crisis:

Isaac Low	John B. Moore
Philip Livingston	Rudolphus Ritzma
James Duane	Lindley Murray
John Alsop	Lancaster Burling
John Jay	John Lasher
P. V. B. Livingston	George Janaway
Isaac Sears	James Beekman
David Johnson	Samuel Verplanck
Alexander McDougall	Richard Yates
Thomas Randall	David Clarkson
Leonard Lispenard	Thomas Smith
William Walton	James Desbrosses
John Broom	Augustus Van Horne
Joseph Hallet	Garret Keteltas
Gabriel H. Ludlow	Eleazar Miller
Nicholas Hoffman	Benjamin Kissam
Abraham Walton	John Morin Scott
Peter William Schaack	Cornelius Clopper
Henry Remsen	John Reade
Peter T. Curtenius	John Van Cortlandt
Abraham Bragster	Jacobus Van Zandt
Abraham P. Lott	Gerardus Duyckinck
Abraham Duryee	Peter Goelet
Joseph Ball	John Marston
Francis Lewis	Thomas Marston
Joseph Totten	John Morton
Thomas Ivers	George Folliot
Hercules Mulligan	Jacobus Lefferts
John Anthony	Richard Sharp
Francis Baffer	Hamilton Young
Victor Bicker	Abraham Brinkerhoff
Theophilus Anthony	Walter Franklin
William Goforth	David Beekman
William Denning	William Seton
Isaac Roosevelt	Evert Banker
Jacob Van Voorhees	Robert Ray
Jeremiah Platt	Nicholas Bogert
Comfort Sands	William Laight
Robert Benson	Samuel Broome
William W. Gilbert	John Lamb
John Berrien	Daniel Phoenix
Gabriel W. Ludlow	Anthony Van Dam
Nicholas Roosevelt	Daniel Dunscomb
Edwin Fleming	John Inslay
Lawrence Embell	Oliver Templeton
Samuel Jones	Lewis Pintard
John De Lancey	Cornelius P. Low
Frederick Jay	Thomas Buchanan
William W. Ludlow	Petrus Byvanck
John White	Benjamin Helme

The following twenty-one Gentlemen were at the same time chosen deputies for the City and County of New-York, to meet Deputies of the other Counties in Provincial Congress on May 22:

Leonard Lispenard	P. V. B. Livingston
Isaac Low	James Beekman
Abraham Walton	John Morin Scott
Isaac Roosevelt	Thomas Smith
Abraham Brasher	Benjamin Kissam
Alexander McDougall	Richard Yates
Samuel Verplanck	John Marston
David Clarkson	Walter Franklin
George Folliot	Jacobus Van Zandt
Joseph Hallet	John De Lancey
John Van Cortlandt	

struggle. One of their first resolves was to recommend "to every inhabitant to perfect himself in Military Discipline and be provided with Arms, Accoutrements and Ammunition as by law directed." A martial bustle pervaded the town, citizens hastened to enroll themselves in the existing militia organizations or to take steps to form

NEW-YORK, COMMITTEE-CHAMBER,

WEDNESDAY, 26th April, 1775.

THE Committee having taken into Conſideration the Commotions occaſioned by the ſanguinary Meaſures purſued by the Britiſh Miniſtry, and that the Powers with which this Committee is inveſted, reſpect only the Aſſociation, are unanimouſly of Opinion, That a new Committee be elected by the Freeholders and Freemen of this City and County, for the preſent unhappy Exigency of Affairs, as well as to obſerve the Conduct of all Perſons touching the Aſſociation; That the ſaid Committee conſiſt of 100 Perſons; that 33 be a Quorum, and that they diſſolve within a Fortnight next after the End of the next Seſſions of the Continental Congreſs. And that the Senſe of the Freeholders and Freemen of this City and County, upon this Subject, may be better procured and aſcertained, the Committee are further unanimouſly of Opinion, That the Polls be taken on Friday Morning next, at 9 o'Clock, at the uſual Places of Election in each Ward, under the Inſpection of the two Veſtrymen of each Ward, and two of this Committee, or any two of the four; and that at the ſaid Elections the Votes of the Freemen and Freeholders, be taken on the following Queſtions, viz. Whether ſuch New Committee ſhall be conſtituted; and if *Yea*, of whom it ſhall conſiſt. And this Committee is further unanimouſly of Opinion, That at the preſent alarming Juncture, it is highly adviſeable that a Provincial Congreſs be immediately ſummoned; and that it be recommended to the Freeholders and Freemen of this City and County, to chooſe at the ſame Time that they vote for the New Committee aforeſaid, Twenty Deputies to repreſent them at the ſaid Congreſs. And that a Letter be forthwith prepared and diſpatched to all the Counties, requeſting them to unite with us in forming a Provincial Congreſs, and to appoint their Deputies without Delay, to meet at New-York, on Monday the 22d of May next.

By Order of the Committee,

ISAAC LOW, *Chairman.*

new ones. A party of citizens went to the City Hall and removed to a safer place about five hundred stand of muskets belonging to the province. In view of a possible occupation of the city by a fresh British force, Congress advised the people, through their delegates, that "if the troops that are expected should arrive, the said colony act on the defensive so long as may be consistent with their safety and

security; that the troops be permitted to remain in their barracks so long as they behave peaceably and quietly, but that they be not suffered to erect fortifications or take any steps to cut off the communications between the town and the country; and that, if they commit hostilities or invade private property, the inhabitants should defend themselves and their property and repel force by force; that the warlike stores be removed from the town; that place of retreat in case of necessity be provided for the women and children of New-York; and a sufficient number of men be embodied and kept in constant readiness for protecting the inhabitants from insult and injury."[1]

This was a thinly veiled declaration of war; it could hardly be expected that in such troublous times the king's troops, after occupying the city, would permit any interference with regard to their stores and communications, and, in so far, it was imposing a rather large contract upon a brave but unprepared community. But recruiting was stimulated and a battalion of infantry organized. It was announced that volunteers from the time of their enlistment were "to enter into immediate pay at one shilling and eleven pence per day: and also to receive one dollar per week until they are encamped, in order to enable them to support themselves in the intermediate time; and they are likewise to provide themselves with a suit of regimental clothes, a firelock, ammunition, accoutrements, and every other article necessary for the equipment of American Soldiers." The British forces also began to stir. On May 26, H. B. M. S. Asia, sixty-four guns, Captain George Vandeput, arrived off the Battery, with orders for the detachment of the "Royal Irish" regiment remaining in garrison, at the upper barracks, to go on board; arrangements were also made, with the consent of the civil authorities, to remove temporarily to Governor's Island the regimental laundresses and their belongings. This act was made the occasion (June 4) of a bloodless but bold encounter between the citizens and the soldiers en route to the point of embarkation. The account of one of the participants, Marinus Willett,[2] is interesting as showing how easily a word from the British

[1] Extract, Minutes Cont. Cong., May 15, 1775.

[2] Marinus Willett was born in Jamaica, L. I., July 31, 1740. Served as lieutenant in De Lancey's regiment in 1758 under General Abercrombie, was a prominent "Son of Liberty" and captain in first regiment, "New York Line." Promoted lieutenant-colonel in 1777, and distinguished himself at Fort Stanwix and was thereafter actively engaged in the field during the Revolution. In 1792 Washington appointed him commissioner to treat with the Creek Indians. He was sheriff of the county of New-York 1784–87 and 1791–95, and mayor of the city 1807. He took a spirited part in the War of 1812, and died August 22, 1830.

"The measure directed by the Committee (who were vested with the Government of the city) to suffer the British troops to depart unmolested with their arms and accoutrements, though no doubt a proper one, was not universally approved of. It was about 12 o'clock M. when the account of this movement of the troops was brought to Mr. Darkes' and with the others then at that house I set out to alarm the citizens in order to collect force to prevent the troops from carrying those spare arms with them. The way I took brought me to the front of the troops as they were marching, before any of the other persons who set out on the same business. On my arrival in their front which was at the Corner of Beaver Street in Broad Street I stopped the horse that was drawing the front Cart-load of arms. This of course occasioned a halt in the Troops, and brought the

commander might have caused a repetition of the "Boston Massacre" in the streets of New-York. We hardly know which to admire the more — the officer's moderation or the patriot's nerve.[1]

The echoes from Bunker Hill seemed to reverberate in the ears of the Manhattanese as they drilled on the common. How encouraging to them would have been the opinion of a British officer who wrote from Boston, the day after the battle, that "We have indeed learned one melancholy truth, which is that the Americans, if they were equally well commanded, are full as good soldiers as ours; and as it is are very little inferior to us, even in discipline and steadiness of countenance." At the second session of the Continental Congress, which opened at Philadelphia May 10, 1775, the most pressing business was the organization of a permanent military force. A system was adopted the salient features of which had been suggested, early in April, by the commander of the Massachusetts provisional army — General Artemas Ward; they comprised: (1) a general-in-chief; (2)

Major of the regiment, who was the commanding officer, in front to enquire into the cause of the halt. I had the horse by the head, and on the appearance of the Major informed him that the halt was made to prevent the spare arms from being carried off, as the act of the Committee did not authorize the troops taking any other arms than such as they carried on their backs; while I was making this explanation to the Major, David Matthews, Esq., came up and accosted me in the following words: I am surprised Mr. Willett that you will hazard the peace and endanger the lives of our citizens when you know that the Committee have directed that the troops shall be permitted to depart unmolested. As Mr. Matthews was a Tory and zealous supporter of the measures of the British Government, His presence or opinion could have no Influence with me, and I very unhesitatingly assured him . . . that considering the Bloody business which had taken place among our Bretheren in Massachusettes whom we were bound by the ties of honor as well as Interest to support, I deemed it my duty to prevent those arms from being used against them and conceived that it would be much more reputable for us to employ them in the defence of our Injured Country. While this question was agitating with the Major and the Mayor, Mr. Governeer Morris made his appearance, and to my great astonishment joined the Mayor in opinion. Mr. Morris' situation was very different from that of the Mayor's. He was a Whig of very respectable Connections and young, of Brilliant talents — To be opposed by Mr. Morris stagard me — And I doubt whether all my Zeal and Enthusaism would have supported me had it not been for the arrival at that Critical moment of John Morin Scott, who was an Influencial member of the Committee and whose reputation for talents was as great as any in the city. He came up Just as I was repeating to Mr. Morris the reasons of my conduct And Exclaimed, in a Loud voice, you are right Willett, the committee have not given them permission to carry off any spare arms. By this time the throng of people around us had greatly Increased and were pressing in on every side. Mr. Scott's opinion was scarcly proclaimed when I turned the front Cart to the right and directed the Cartman to drive up Beaver Street, the other Carts which were Loaded with arms were made to follow, and on the suggestion of Mr. Scott that it would be proper to address the troops I Jumped on a Cart, and after observing to them that if it was their desire to Join the Bloody business which was transacting near Boston, we were ready to meet them in the Sanguin field. But that if any of them felt a repugnance to the unnatural work of sheding the blood of their countrymen and would recover their arms and march forward they should be protected: One of the soldiers recovering his arms and marching forward was received by three hearty Huzzas and together with the Carts five in number loaded with Chests of arms Conducted with the continual Huzzas of the Citizens through Beaver Street and up the Broad Way as far as the Corner of John Street where there was a Ball alley and Large Yard. In this yard the arms were deposited. These arms and those taken possession on the arrival of the account of the Battle of Lexington were employed by the first troops raised in New York under the orders of Congress." "N. Y. in the Revolution," Merc. Lib. Coll.

[1] As the officer (Major Hamilton) resigned his commission in the British army very soon after this incident (July, 1775), it would be interesting to know the reason. On June 6 the anniversary of the king's birthday was honored by the usual salute from the British man-of-war, but received no recognition in the city save from one loyal subject who illuminated his house as he had been accustomed to do in other days. A committee of his neighbors promptly waited upon him with an invitation, not to be declined, to join in the general gloom.

troops to be enlisted "for the war"; (3) provision to be made for the support of soldiers' families; (4) that the men should serve wherever ordered; and (5) that a loan should be negotiated for the equipment and support of the body which should be called "The American Continental Army." The volunteers then in the field before Boston were, as far as practicable, to be reënlisted, and a special light infantry corps, consisting of six companies of "expert riflemen" from Pennsylvania, Maryland, and Virginia, was also to be enlisted. On June 14 a system of rules and articles of war were prescribed; the next day Congress announced the selection of George Washington as "General and Commander-in-Chief of the United Colonies and of all the forces now raised or to be raised by them." New-York's first

WASHINGTON MEDAL.

contribution to the continental army was four regiments of infantry and one company of artillery. The counties of New-York, Albany, Ulster, and Duchess each furnished a regiment. The field-officers of the first (or New-York city) regiment were: Colonel, Alexander McDougall; Lieutenant-Colonel, Rudolphus Ritzema; Major, Herman Zedwitz; while John Lamb was commissioned to command the company of artillery. Both were organized June 28, 1775.

The first interchange of hostile shots in the harbor was not long delayed. On August 23, acting in conformity with the orders of the provincial congress, a number of citizens, supported by the new artillery company under Captain Lamb, proceeded about eleven o'clock at night to the Battery to remove the guns there mounted. While engaged in this work a boat from the Asia approached, and, ascertaining the nature of the operations, fired a musket as a signal to the ship. This was followed by a smart musketry-fire from the Americans. "Soon after this the Asia fired three shots which alarmed the inhabitants; the ship began a heavy fire of nine, eighteen and twenty-four pounders, succeeded by a discharge of mus-

ketry from the marines, but without doing any other mischief than damaging the upper part of several houses near the fort in Whitehall street and wounding three men. Notwithstanding the fire from the Asia, the citizens effected their purpose and carried off twenty-one pieces of cannon, being all that were mounted on carriages."[1] The next morning the British commander called upon the mayor of the city for an explanation of the action of the citizens in taking away the guns, "which as stores belonging to the King it was my duty to protect"; he further wished the people to understand that "if they will persist in behaving in such a manner as to make their safety and my duty incompatible, the mischiefs that may arise must lie at their doors, and not mine."

The provincial congress made every effort to repress the exuberance of those persons who would confiscate the property of the king as well as secure the military stores purchased at the expense of the colony. Thus when a raid was made by a mob upon some clothing in the government warehouse, it was returned, the seizure not being authorized. At another time a barge was purchased by resolution of the provincial congress to replace one, belonging to the Asia, which had been destroyed while lying at the Battery. The new one, when almost finished, was sawed asunder at night, but Congress forthwith ordered a second one to be made, and enjoined all persons "not to obstruct the building of said barge or they will be treated as enemies to their country." For some months there had been a steady exodus of inhabitants who feared that the city would soon be exposed to the horrors of "battle, murder and sudden death," or whose loyalty to the king rendered them objects of insult, and by October several thousand had thus shaken off the dust of the threatened seaport.

On the 13th of that month Governor Tryon advised the mayor that he had learned that "the Continental Congress have recommended it to the Provincial Congress to seize the officers of this Government, and particularly myself by name." He further stated that such an attempt would be resisted with all the power of the king's forces; that he desired to remove on board the Asia with his family and private effects, and asked the local authorities to prevent interference. In reply the mayor transmitted a polite letter from the committee of one hundred assuring him that the report was unfounded, and that they hoped "his Excellency would continue his residence among a people who have the most grateful sense of his upright and disinterested administration." Governor Tryon responded in like courteous terms, but stood not upon the order of his going.

The gulf between Whigs and Tories became deeper and wider. In the name of patriotism many acts of lawlessness were perpetrated,

[1] Gaine's "New-York Gazette," August 28, 1775.

not only by irresponsible mobs but by organized parties. One of the last and most notable cases of this kind, ere the city came under military control, was the destruction of Rivington's press. On November 23, about noon, a party of armed horsemen from Connecticut, under the leadership of Isaac Sears of New-York, rode up to the office of the "New-York Gazetteer,"—of which James Rivington, the ex-public printer, was editor and publisher,—dismounted, entered, broke up the presses, and carried off all the type to New Haven. This self-constituted vigilance committee had previously invaded West Chester and arrested three reputable citizens, alleged to be offensive partizans of the king. On their return to Connecticut the horsemen received an ovation from the populace, including the firing of cannon.

A. McDougall

A motion was made, however, in the Committee of Safety, on the same day, to bring Sears before that body for contempt of its rules. It was replaced by a petition to the provincial congress asking redress. Thereupon the provincial congress wrote to the governor of Connecticut stating that "while we consider this conduct as an insult offered to this colony, we are disposed to attribute it to an imprudent though well-intended zeal for the publick cause," and asking that steps might be taken to restore the stolen property to its owner. A copy of this letter was sent to the New-York delegates to the Continental Congress, and the affair became a nine days' sensation throughout the colonies. It took shrewd old Jonathan Trumbull just six months to reply, and in the mean while more engrossing matters had arisen. The governor explained the delay as a clerical inadvertence, and on the ground of the necessity of submitting the letter to the general assembly; he assured the New-York authorities of the regard entertained for them by their Connecticut neighbors; deplored the irregularity of the act; thought the hour being noon instead of night an extenuating feature, but slyly remarked that his distinguished correspondents will "view the matter in a still more unfavorable light when you reflect that the leader in the whole transaction was a respectable member of *your city and Congress*, who we considered as the proper person to whom the transaction is imputable, . . . and therefore the affair cannot be considered as an intrusion of our people into your Province."

Later (May 20, 1775) Rivington petitioned the Continental Congress for protection.[1] A parody on his petition was written by the Rev. Dr. John Witherspoon, in which the diplomatic printer is made to say, among other things: "That a great part of the British forces had already left the city, and from many symptoms there is reason to suspect that the remainder will speedily follow them. Where they are gone or going, is perhaps known to themselves, perhaps not; certainly, however, it is unknown to us, the loyal inhabitants of the place, and other friends of government who have taken refuge in it, and who are therefore filled with distress and terror on the unhappy occasion. . . . That as soon as the evacuation is completed, it is more than probable, the city will be taken possession of by the forces of your high mightinesses, followed by vast crowds of other persons — Whigs by nature and profession — friends to the liberties and foes to the enemies of America. . . . Nay, who knows but we may soon see in *propria persona*, as we have often heard of, *Hortentius*, the Governor of New Jersey, a gentleman remarkable for severely handling those whom he calls traitors, and who indeed has exalted some of them *(quanquam animus meminisse horret luctucque refugit)* to a high, though dependent station, and brought *America under their feet*, in a sense very different from what Lord North meant when he first used that celebrated expression. . . .

Isaac Sears

"There cannot possibly be any danger to the United States, in suffering me to live. . . . I beg leave to suggest, that upon being received into favor, I think it would be in my power to serve the United States in several important respects. I believe many of your officers want politeness. They are like old Cincinnatus, taken from the plough, and therefore must still have a little roughness in their manners and deportment. Now, I myself am the pink of courtesy, a genteel, portly, well looking fellow as you will see in a summer's day. I understand and possess the *bienséance*, the *manner*, the *grace*, so largely insisted on by Lord Chesterfield. . . . I hear with pleasure that your people are pretty good scholars, and have made particularly very happy advances in the art of swearing, so essentially necessary to a gentleman. Yet I dare say they will themselves confess that they are still, in this respect, far inferior to the English army. There is, by all account, a

J. Burke

[1] Rivington's petition: "Whereas the subscriber, by the freedom of his publications during the present unhappy disputes between Great Britain and her Colonies, has brought upon himself much public displeasure and resentment in consequence of which his life has been endangered, his property invaded, . . . and, whereas, it has been ordered by the Committee of Correspondence for the City of New York that a report of the state of the case should be made to the Continental Congress, . . . he thinks himself happy in having, at last, for his judges gentlemen of eminent mark and distinction in the colonies, from whose enlarged and liberal sentiments he flatters himself that he can receive no other than an equitable sentence unbiased by popular clamor and resentment." Sabine's "American Loyalists," 1847.

coarseness and sameness in their expression; whereas there is variety, sprightliness and figure in the oaths of gentlemen well educated. Dean Swift says very justly, 'a footman may swear, but he cannot swear like a lord.' Now we have many lords in the English army, all of whom when here were pleased to honor me with their friendship and intimacy. I have imported many of the most necessary articles for appearance in genteel life. I can give them Lavornitte's soapballs to wash their brown hands clean, perfumed gloves, paint, powder, and pomatum. . . . Once more, as I have been the ostensible printer of other people's lies in New York, what is to hinder me from keeping incog. and inventing or polishing lies to be issued from the press of another printer in Philadelphia? In one or more or all of these ways I hope to merit your approbation."

Early in January, 1776, Washington learned of the proposed departure from Boston of Sir Henry Clinton with an expedition whose object, he surmised, was the occupation of New-York. For political as well as military reasons he determined to forestall the enemy. General Charles Lee, then on detached service in Connecticut, was ordered to proceed "with such volunteers as he could quickly assemble on his march and put the city of New York in the best posture of defense which the season and circumstances would admit of." Lee obeyed these instructions so literally that he incurred some unfavorable criticism from members both of the continental and provincial legislatures. These objections to the military occupation of the city, even for its defense, were conveyed to General Lee on the eve of his departure, and caused a delay in his march to New-York. The committee did not yet despair of bringing about a compromise with the British government, and feared to precipitate a collision; in the mean while every day of peace was, in their opinion, favorable to the completion of preparations for war. Lee entered with about fifteen hundred Connecticut troops on the same day (February 4) that General Clinton arrived off Sandy Hook with the British contingent. A citizen, writing to a friend of the coincident excitement, says: "Although it was Sabbath it threw the whole city in such a convulsion as it never knew before. All that day and all night were their carts going, and boats loading, and women and children crying, and distressed voices heard in the roads in the dead of night. Clinton came here to pay a short visit to Governor Tryon, and to see how matters stood here: but to his great surprise, found that he could not put his foot on shore. He expressed much concern at seeing so much distress on his account: he declared his juvenile love for this place brought him here, and was pleased to send for the Mayor to desire he would acquaint the people he only came on a visit."[1]

[1] "Constitutional Gazette," New-York.

Nevertheless, the defensive preparations were pressed with vigor. Nothing more difficult could be imagined than the task assigned to General Lee. An island whose surface was comparatively flat, and accessible on all sides to vessels of deep draft; with but little military material, and not a single war-vessel at his disposal; with a small and hastily levied force at his back, and in hourly expectation of a hostile army and navy in his front, it is not astonishing that Lee's temper was often ruffled and his speech unduly tinctured with "the bluntness of the soldier." Nevertheless, his men accomplished wonders; the city proper was honeycombed with barricades and the island girdled with a chain of earthworks[1] mounting more than one hundred guns, and producing, at least, a moral effect of great value. The arrival of General Lee also put an end to the hybrid government of mutual toleration between crown and citizens; thenceforth, for eight long years, New-York was to be ruled by tap of drum. Congress, also, in the same month, discussed the practicability of obstructing the channel, reducing the depth of water at the Narrows, or "otherwise to prevent an enemy's ships from approaching the city," and sent a committee to confer with the military commander.[2] But little came of the effort beyond the occupation by continental troops of Governor's Island and Red Hook, and, eventually, the supersedure of Lee by General Putnam, who, lacking his predecessor's

1 "They have been employed in erecting fortifications in every part of the town. It would make you sorry to see the place so changed; the old fort walls are demolished in part, though that is an advantage to the Broadway, as it opens the view there greatly: there is a battery carried across the street, erected partly at Lord Abingdon's expense, for the fascines were cut out of the wood that belonged to the Warren estate; it was a beautiful wood that Oliver de Lancey had been nursing these forty years; it looks in piteous shape now. Mr. de Lancey hoped to have it somewhat spared, by telling the New England troops, who were cutting it, that a third part belonged to one of the protesting lords. One of them answered, 'Well, an' if he be such a great liberty boy, and so great a friend to our own country, he will be quite happy that his wood was so handy for our use.' You remember Bayard's Mount, covered with cedars; it commanded a prospect exceedingly extensive, the top of it so cut away that there is room enough for a house and garden; there is a very good and a very advantageously situated fortification there erected. You may recollect a sweet situation at Horn's Hook that Jacob Walton purchased, built an elegant house, and greatly and beautifully improved the place; he was obliged to quit the place; the troops took the place and fortified there. When Mrs. Walton received the order to go out of her house she burst into tears, for she was fixed to her heart's desire." New-York Letter, April 12, 1775.

2 Congress authorized the construction "of as many fire-rafts, row-gallies, and floating batteries as necessary for the defence of the port and Hudson river."

professional attainments, possessed more tact and common sense. The civil authorities of the city and province busied themselves in promoting the manufacture of war material, particularly of cannon, small arms, saltpetre, and salt.[1] On March 14 Congress voted eight thousand men for the defense of the city, and the governors of New Jersey and Connecticut were requested to hold their militia ready for the same purpose, "to be paid when on duty as Continental troops"; while on Tuesday night (April 2) a number of our troops set fire to the buildings on Bedlow's Island (which was being prepared as a temporary asylum for the Tory refugees), and burned or brought off intrenching tools, a large quantity of clothing, and an abundance of poultry.

Israel Putnam

General Putnam assumed command on April 4, and in one of his earliest general orders admonished the inhabitants to remain indoors between the hours of tattoo and reveille, and reminded them that all communications with the "ministerial fleets" must cease. The mere work of organization and discipline was colossal; the intense individuality of the patriots who formed the bulwark of our liberties was an obstacle to the rapid development of that cohesion which distinguishes an army from a mob. They came to fight, not to pace up and down a cow-path with no enemy in sight; not to parade for roll-call two or three times a day; not to dig ditches and build embankments for reasons unknown to them; not to pass a Tory house without levying tribute. To such an extent did this feeling go that five hundred "Connecticut Light Horse,"[2] recently arrived (described as "a considerable number of old-fashioned men, instead of carbines carrying fowling-pieces, some of them very long, such as in Pennsylvania are used for ducks"), refused to perform fatigue- or guard-duty, claiming exemption as a

[1] The soldier's ration was as follows: "1 lb. beef, or ¾ lb. pork, or 1 lb. salt fish per day; 1 lb. bread or flour per day; 3 pints peas or beans per week; 1 pt. milk per man per day; 1 qt. spruce beer or cyder per man per day, or 9 gallons of molasses per 100 men per week; ½ pt. rice or 1 pt. Indian meal per man per week: 3 lbs. candles to 100 men per week for guards; 24 lbs. soft or 8 lbs. hard soap for 100 men per week; likewise fuel and straw." "New-York Packet," February 22, 1776.

[2] An unlucky trooper of this school had by some means or other found his way to Long Island, and was taken by the enemy in the battle of August 27. The British officers made themselves very merry at his expense, and obliged him to amble about for their entertainment. On being asked what had been his duty in the rebel army, he answered that it was "to flank a little and carry tidings." Graydon's "Memoirs."

privilege due to their arm of service. Washington promptly returned the fastidious cavaliers to the bosoms of their families. In the meanwhile the commanding heights of Long Island opposite the city, extending from Wallabout Bay on the north to Gowanus on the south, were protected by a chain of redoubts, and Red Hook and Governor's Island were also fortified and manned with a suitable force. Three companies of the rifle battalion occupied Staten Island as a corps of observation, lying in wait for unwary boats' crews from the men-of-war ashore for water; and, early in April, they had a sharp skirmish in which two or three British seamen were killed and a dozen captured. When the Asia dropped down the bay, below the Narrows, in readiness to welcome her sister ships, it is related that, coming abreast of Staten Island, she was hailed by an American rifleman, who, with characteristic impudence, desired the ship to "heave to." Some one from the Asia's deck asked, "For what?" "'Cause," replied the soldier, "our orders is to suffer no boats to pass 'thout a permit from Gin'l Putnam." As the Asia calmly proceeded on her course, the troops fired several volleys at her, which were returned by two shots from the frigate's upper tier of guns.[1]

On the 14th of the month, Washington arrived from Cambridge, having inspected, en route, the brigades of Greene and Spencer, detained by bad roads on their march to New-York. The general-in-chief made himself at once thoroughly familiar with the local situation; personally visited the entire system of defenses, and seconded his lieutenants, Greene and Putnam, in many matters of military detail.[2] He framed certain practical instructions for the new and untried levies. They were enjoined "not to throw away fire; fire first with ball and shot"; "that the brigadiers should order a circle to be marked around the several redoubts by which their officers are to be directed in giving orders for the first discharge"; "small brush to be set up to mark the line more distinctly, and make it

1 "Constitutional Gazette."

2 In illustration we subjoin the following extract from Washington's Orderly Book:

"The brigadier Generals are desired to make their respective Brigades perfectly acquainted with the alarm posts which have been reported to the Commander-in-chief: But in case of an alarm the respective regiments are to draw up opposite to their encampments, or quarters, until they receive orders to repair to the alarm posts above referred to. The following signals are to give the alarm, to all the troops (as well regulars as Militia) and the Inhabitants of the City: In the daytime two Cannon to be fired from the Rampart at Fort George, and a Flag hoisted from the Top of General Washington's Headquarters: In the night-time two Cannon fired as above from Fort George, and two lighted lantherns hoisted from the top of Headquarters aforesaid." Orderly Book, May 19, 1776.

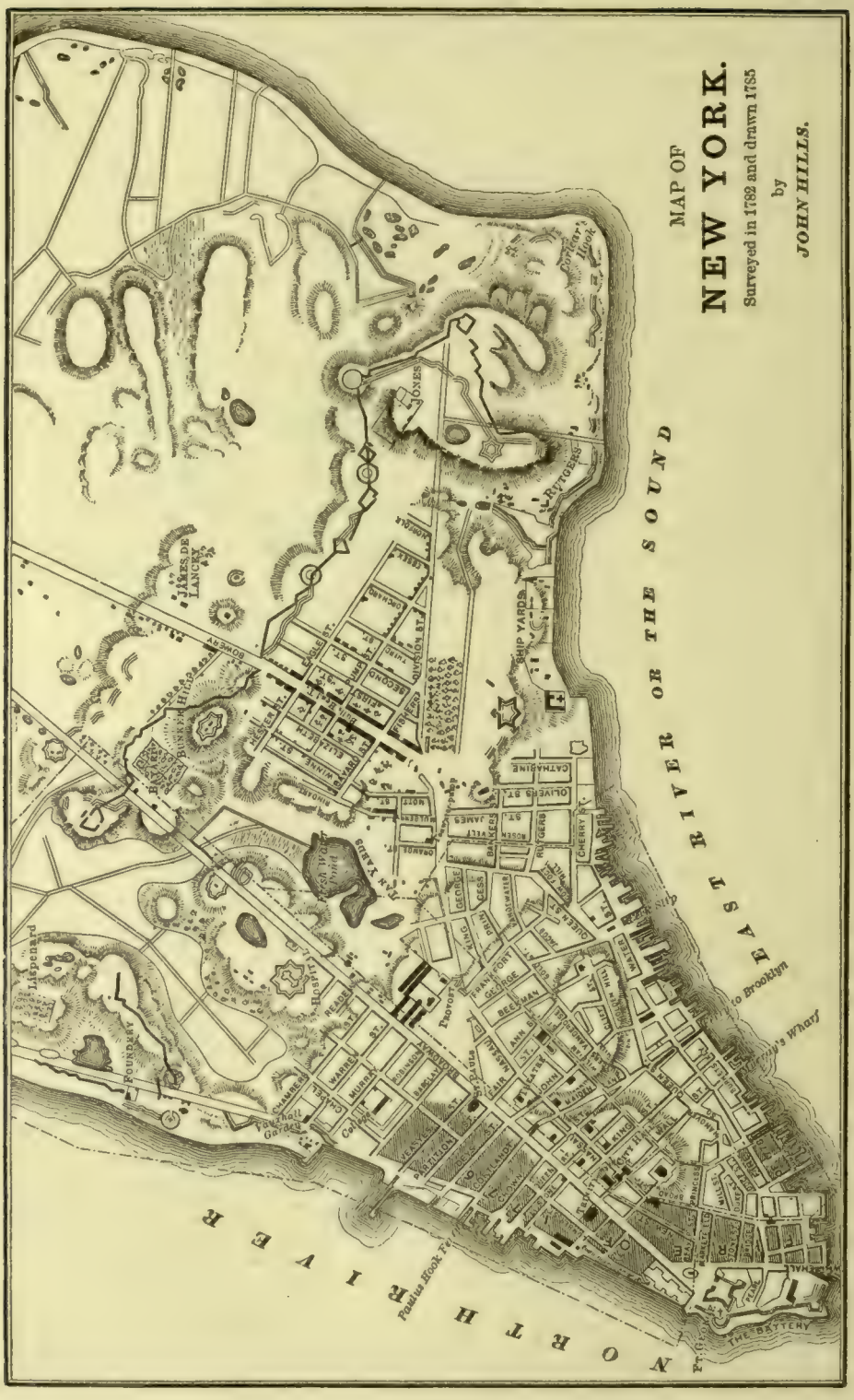
Washington's Expenditures. (Mem.) 1776.

		£.	s.	d.
April 25.	To the expenses of myself and party reconnoitering the several landing places &c., on Staten Island.....	16	10	0
May 11.	To expenses of a tour on and reconnoitering Long Island...	26	8	6
June 26.	To expenses reconnoitering the channel and landings on both sides the North River as high as Tarrytown to fix the defences thereof.....	10	18	0
	To a reconnoitre of the East River and along the Sound as far as Mamaroneck.....	16	9	4
July 15.	To my own and party's expenses, laying out Fort Lee, on the Jersey side of the North River.....	8	15	0

more familiar to the men, who are by no means to be ordered to fire before the enemy arrive at the circle."

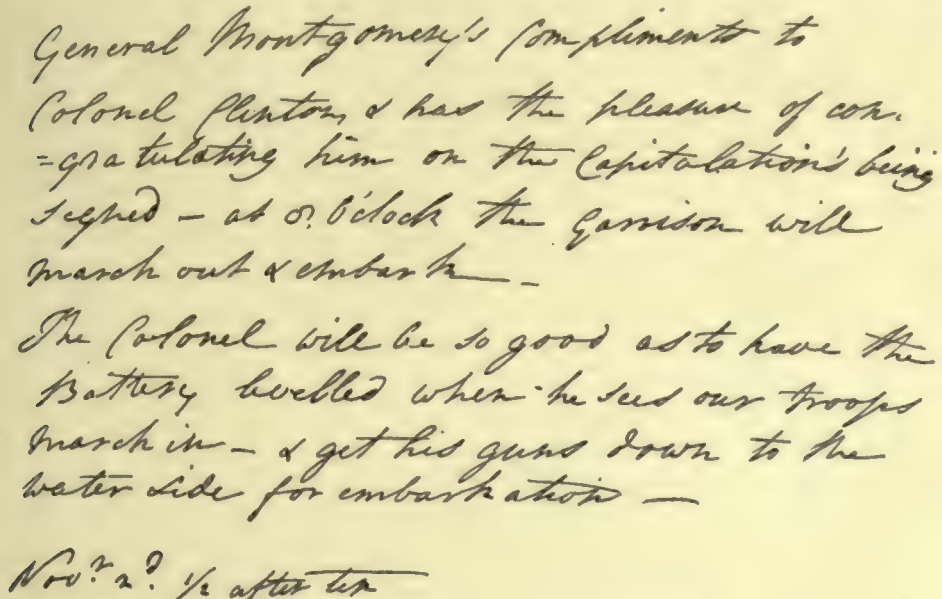
In spite of the cynicism with which our Revolutionary worthies are apt to be discussed in these irreverent days, the student of history is impelled to pause in admiring contemplation of the man whom Providence had raised up as the leader of a chosen people in its struggle for independence. At no other time, perhaps, was Washington more severely tried than during the occupation of New-York in the spring and summer of 1776. The difficulties to be surmounted were of a twofold character — civil and military. With the perfectly appointed forces of a powerful nation confronting his horde of "untrained husbandmen" armed with fowling-pieces or scythe-blades and clothed principally in "the armor of righteousness"; hampered by the presence of thousands of "loyal" or "neutral" civilians; embarrassed by the reluctance of the local committee of safety to turn over the city to military protection[1] and the indifference of the provincial legislature to matters outside of their geographical borders; liable at any moment to have his military plans thwarted by the well-meant measures of a congress of lawyers in session one hundred miles away, Washington nevertheless maintained the serene demeanor, dignified deference, or judicious firmness required by circumstances. Doubtless, before meeting the enemy in the flesh, he fought many battles in the spirit with his sorely tried self.

1 "There is nothing that could add more to my happiness than to go hand in hand with the civil authority of this, or any other government to which it may be my lot to be ordered: and if in the prosecution of such measures as shall appear to me to have a manifest tendency to promote the interest of the great American cause, I shall encounter the local convenience of individuals or even of a whole Colony, I beg it may be believed that I shall do it with reluctance and pain; but, in the present important contest the least of two evils must be preferred. . . . In the weak and defenceless state in which this city was some time ago, political prudence might justify the correspondence that subsisted between the country and the enemy's ships of war; but as the largest part of the Continental troops is here, as strong works are erected and erecting for the defence of the city and harbor, these motives no longer exist, but are absorbed in others of a more important nature. . . . In effecting the salutary purposes above mentioned I could wish for the concurrence of your honorable body. It certainly adds great weight to the measures adopted, when the civil authority cooperates with the military to carry them into execution." Washington to Committee of Safety.



THIS MAP SHOWS THE CITY IN 1776-83. INTRENCHED LINES ARE INDICATED AS FOLLOWS: BRITISH ——, AMERICAN ——.

On April 28 the troops concentrated in the city and immediate vicinity numbered 10,235 officers and men, of whom 8301 were reported present for duty. It is impossible to fix the available force at this time, as large detachments were being made for Canada, and recruits were coming in daily from Connecticut and New Jersey. It having been learned that Great Britain had arranged for an auxil-



GENERAL MONTGOMERY TO COLONEL CLINTON.

iary force of German troops, late in the month of May, Washington wrote to Schuyler: "We expect a very bloody summer at New-York and Canada, as it is there, I presume, that the great efforts of the enemy will be aimed, and I am sorry to say that we are not either in men or arms prepared for it."[1] On June 3 Congress resolved to reinforce New-York with 13,800 militia from Pennsylvania, Delaware, and Maryland; a part of the force recently voted for Canadian operations having been taken from the first-named province.

The feverish feeling in the city continued to manifest itself in occasional assaults upon those known to be unfavorable to the patriot cause,[2] for which there was some excuse; for while the king's men outside the city were openly making hostile preparations, some of his

1 "Return of the serviceable arms and accoutrements in the Continental Army in and near New York, June 24, 1776: Firelocks, 6921: Bayonets, 5142; Iron Ramrods, 4986; Cartridge Boxes, 5127; Shot Bags, 5075; Pouches, 1559; Shoulder Belts, 4095; Waist Belts, 2530; Slings, 2554."

2 "13th June. Here in town . . . on Monday night some men called Tories were carried and hauled about through the streets, with candles, forced to be held by them, or pushed in their faces, and their heads burned; but on Wednesday in the open day, the scene was by far worse; several and among them gentlemen, were carried on rails; some stripped naked and dreadfully abused. Some of the generals, and especially Putnam and their forces, had enough to do to quell the riot and make the mob disperse." Pastor Schaukirk's Diary.

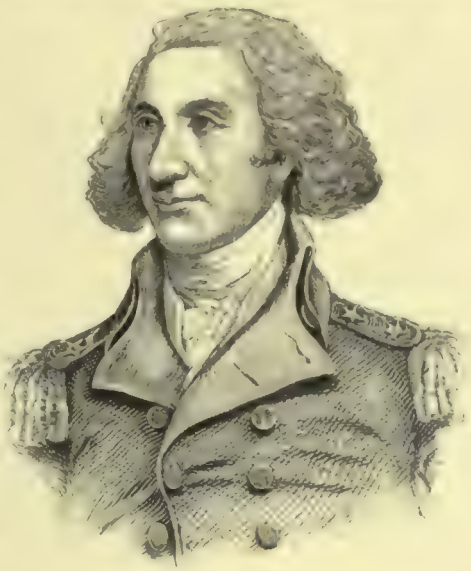
loyal subjects within the gates were plotting to deal the "rebellion" a severe blow. By the use of gold it was proposed to accomplish that which might otherwise be impracticable. But, as often happens, a trifle upset the scheme. It is said the first disclosure came from a tramp imprisoned for some minor offense. At any rate, on June 21 a number of arrests were made, including David Matthews, appointed mayor during the British occupation, a gunsmith, and a number of other citizens, besides Private Thomas Hickey, a member of Washington's body-guard. They were charged with engaging in a conspiracy to capture or assassinate the principal American generals in the vicinity, blow up the magazines, and spike the guns. After a careful investigation, which developed certain suspicious transactions in small arms and ammunition between Governor Tryon, Matthews, and others, but one conviction was secured—that of Hickey. He was found guilty "of mutiny and sedition, and of holding treacherous correspondence with the enemies of his country," and was sentenced to be hanged. He was accordingly executed (June 28), in the presence of the troops and a large concourse of citizens.

On June 29, 1776, the first sail of the enemy's fleet hove in sight off Sandy Hook. By July 2 a forest of masts had grown up in the lower and upper bays. Stately ships of the line, fierce frigates, and saucy tenders, guarding ponderous transports, rode at their anchors. More than one hundred and thirty vessels, manned by the famous "hearts of oak" upon which a proud kingdom depended in troublous times, made up such a fleet as those waters had never known before. General Howe arrived (July 1) in the Greyhound, and was visited on board by Governor Tryon, who furnished an account of the preparations made by Washington to defend New-York.[1] Immediately thereafter the British troops landed and made their encampments on Staten Island, from which the detachment of American riflemen had previously been withdrawn.

On July 9 the Declaration of Independence was published to the troops in the city "on their several parades," in accordance with a general order which concluded with these words: "The General hopes this important event will serve as a fresh incentive to every officer and soldier to act with fidelity and courage, as knowing that now the peace and safety of his country depends (under God) solely on the success of our arms, and that he is now in the service of a

1 "I met with Governor Tryon on board of a ship at the Hook, and many gentlemen fast friends to government attending him, from whom I have had the fullest information of the state of the rebels, who are numerous and very advantageously posted with strong entrenchments . . . there is great reason to expect a numerous body of the inhabitants to join the army from the provinces of New York, the Jerseys and Connecticut. . . . This disposition among the people makes me impatient for the arrival of Lord Howe, concluding the powers with which he is furnished will have the best effect at this critical time; but I am still of the opinion that peace will not be restored in America until the rebel army is defeated." General Howe to Lord Germain, July 7, 1776.

State possessed of sufficient power to reward his merit and advance him to the highest honours of a free country." The official announcement to the troops of the birth of the republic was not accompanied by salvos of artillery or extraordinary military parade such as has so often greeted its anniversary; powder was too precious, and the nondescript attire of the troops was not suited to "pomp and circumstance." But on the night of the 9th the prevailing exultation found a vent in tearing down the gilded and equestrian statue of George III. from its pedestal in the Bowling Green and turning his leaden majesty into patriotic bullets. This ebullition brought out a mild rebuke from headquarters, in which, while expressing his sympathy with the motive, the general objected to the disorderly method, and directed that "in future these things shall be avoided by the soldiery." [1]



Yr. Sincerely

The fact that the military promulgation of the Declaration antedated its formal publication to the citizens of New-York should not be taken as an evidence of hesitation on the part of the provincial legislature to ratify the act of the Continental Congress. The spirit of that act had long been "discounted" in the province. On April 20 a petition was made through the committee and provincial congress that the Continental Congress would "take up some form of government which may serve for the security of our persons . . . until a recognition can happily be brought about between us and our Mother Country upon constitutional principles." Doubtless similar memorials were forwarded from other quarters, for, soon after (May 10), Congress

1 "The greater portion of the statue was taken to Litchfield, Conn., and melted into bullets for the patriot army. In a memorandum left by Captain John Montresor, chief engineer in America of the British army, he states that he recovered the mutilated head of the king and sent it to Lord Townshend. 'in order to convince them at home of the infamous disposition of the ungrateful people of this distressed country.' The stone slab on which the statue rested was taken to Powles Hook in 1783. It subsequently served as a memorial stone for the grave of Major John Smith of the Forty-second Highlanders, and later as a doorstep for the residence of Mr. Cornelius Van Vorst in Jersey City. It is now in possession of the New York Historical Society. Several large fragments of the statue — comprising the tail of the horse and part of the saddle, which were recovered at Wilton, Conn., in 1871 — are also in the Society's possession. The white marble pedestal (fifteen feet in height) was removed from the Green in May, 1818." (Jacob B. Moore in the New-York "Telegram," June 16, 1883.)

recommended to the respective assemblies of the united colonies that they should adopt a form of government for themselves. On May 24, in the provincial congress, on motion of Gouverneur Morris, a committee was appointed to consider the subject, and on the last day of that month a convention was called for June 19. On that day members were elected for the new provincial body to meet July 9. In the mean while (July 1) the question of the propriety of declaring for independence came up in the Continental Congress, and (July 2) it was agreed to by the delegates of twelve colonies; in the absence of in-

"DESTRUCTION OF THE ROYAL STATUE IN NEW-YORK."

structions and the impending session of their provincial legislature, the delegates from New-York declined to vote, but hastened home to urge the adoption of the measure. On the day fixed for the assembling of the legislature (July 9) that body, thereafter styled "The Convention of the Representatives of the State of New York," unanimously adopted the Declaration, and it was then read to the people at White Plains, to which place the seat of government had been temporarily removed.

In accordance with a resolution of the committee of safety,[1] the "Declaration was read at the City Hall (July 18, 1776), to a numerous and respectable body of the free-holders and principal inhabitants of

[1] "To the Inhabitants of the City and County of New York: WHEREAS, the Convention of the State of New York did on the 9th inst. unanimously resolve: That a Declaration of the Independence of the United States of America should be transmitted to the several Committees in said State of New York, with orders that it should be by them published with convenient speed in their

In CONGRESS, July 4, 1776.

A DECLARATION

By the REPRESENTATIVES of the

UNITED STATES OF AMERICA,

In GENERAL CONGRESS ASSEMBLED.

WHEN in the Course of human Events, it becomes neceſſary for one People to diſſolve the Political Bands which have connected them with another, and to aſſume among the Powers of the Earth, the ſeperate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Reſpect to the Opinions of Mankind requires that they ſhould declare the Cauſes which impel them to the ſeperation.

We hold theſe Truths to be ſelf-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among theſe are Life, Liberty, and the Purſuit of Happineſs.—That to ſecure theſe Rights, Governments are inſtituted among Men, deriving their juſt Powers from the Conſent of the Governed, that whenever any Form of Government becomes deſtructive of theſe Ends, it is the Right of the People to alter or to abolish it, and to inſtitute new Government, laying its foundation on ſuch Principles, and organizing its Powers in ſuch Form, as to them ſhall ſeem moſt likely to effect their Safety and Happineſs. Prudence, indeed, will dictate that Governments long eſtabliſhed ſhould not be changed for light and tranſient Cauſes; and accordingly all Experience hath ſhewn, that Mankind are more diſpoſed to ſuffer, while Evils are ſufferable, than to right themſelves by abolishing the Forms to which they are accuſtomed. But when a long Train of Abuſes and Uſurpations, purſuing invariably the ſame Object, evinces a Deſign to reduce them under abſolute Deſpotiſm, it is their Right, it is their Duty, to throw off ſuch Government, and to provide new Guards for their future Security. Such hath been the patient Sufferance of theſe Colonies; and ſuch is now the Neceſſity which conſtrains them to alter their former Syſtems of Government. The Hiſtory of the preſent King of Great-Britain is a Hiſtory of repeated Injuries and Uſurpations, all having in direct Object the Eſtabliſhment of an abſolute Tyranny over theſe States. To prove this, let Facts be ſubmitted to a candid World.

He has refuſed his Aſſent to Laws, the moſt wholeſome and neceſſary for the public Good.

He has forbidden his Governors to paſs Laws of immediate and preſſing Importance, unleſs ſuſpended in their Operation till his Aſſent ſhould be obtained; and when ſo ſuſpended, he has utterly neglected to attend to them.

He has refuſed to paſs other Laws for the Accommodation of large Diſtricts of People, unleſs thoſe People would relinquiſh the Right of Repreſentation in the Legiſlature, a Right ineſtimable to them, and formidable to Tyrants only.

He has called together Legiſlative Bodies at Places unuſual, uncomfortable, and diſtant from the Depoſitory of their public Records, for the ſole Purpoſe of fatiguing them into Compliance with his Meaſures.

He has diſſolved Repreſentative Houſes repeatedly, for oppoſing with manly Firmneſs his Invaſions on the Rights of the People.

He has refuſed for a long Time, after ſuch Diſſolutions, to cauſe others to be elected; whereby the Legiſlative Powers, incapable of Annihilation, have returned to the people at large for their exercise; the State remaining in the mean time expoſed to all the Dangers of Invaſion from without, and Convulſions within.

He has endeavoured to prevent the population of theſe States; for that Purpoſe obſtructing the Laws for Naturalization of Foreigners; refuſing to paſs others to encourage their Migrations hither, and raiſing the Conditions of new Appropriations of Lands.

He has obſtructed the Adminiſtration of Juſtice, by refuſing his Aſſent to Laws for eſtabliſhing Judiciary Powers.

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

He has erected a multitude of new Offices, and ſent hither Swarms of Officers to harraſs our People, and eat out their Subſtance.

He has kept among us, in Times of Peace, Standing Armies, without the Conſent of our Legiſlatures.

He has affected to render the Military independent of and ſuperior to the civil Power.

He has combined with others to ſubject us to a Juriſdiction foreign to our Conſtitution and unacknowledged by our Laws; given his Aſſent to their Acts of pretended Legiſlation:

For quartering large Bodies of armed Troops among us:

For protecting them, by a mock Trial, from Puniſhment for any Murders which they ſhould commit on the Inhabitants of theſe States:

For cutting off our Trade with all Parts of the World:

For impoſing Taxes on us without our Conſent:

For depriving us, in many Caſes, of the Benefits of Trial by Jury:

For tranſporting us beyond Seas to be tried for pretended Offences:

For abolishing the free Syſtem of Engliſh Laws in a neighbouring Province, eſtabliſhing therein an arbitrary Government, and enlarging its Boundaries, ſo as to render it at once an Example and fit Inſtrument for introducing the ſame abſolute Rule into theſe Colonies:

For taking away our Charters, abolishing our moſt valuable Laws, and altering fundamentally the Forms of our Governments:

For ſuſpending our own Legiſlatures, and declaring themſelves inveſted with Power to legiſlate for us in all Caſes whatſoever.

He has abdicated Government here, by declaring us out of his Protection and waging War againſt us.

He has plundered our Seas, ravaged our Coaſts, burnt our Towns, and deſtroyed the Lives of our People.

He is at this Time, tranſporting large Armies of foreign Mercenaries to compleat the Works of Death, Deſolation and Tyranny, already begun with Circumſtances of Cruelty and Perfidy ſcarcely paralleled in the moſt barbarous Ages, and totally unworthy the Head of a civilized Nation.

He has conſtrained our fellow Citizens taken Captive on the high Seas to bear Arms againſt their Country, to become the Executioners of their Friends and Brethren, or to fall themſelves by their Hands.

He has excited Domeſtic Inſurrections amongſt us, and has endeavoured to bring on the Inhabitants of our Frontiers, the mercileſs Indian Savages, whoſe known Rule of Warfare, is an undiſtinguiſhed Deſtruction, of all Ages, Sexes and Conditions.

In every Stage of theſe Oppreſſions we have petitioned for Redreſs, in the moſt humble Terms: Our repeated Petitions have been anſwered only by repeated Injury. A Prince, whoſe Character is thus marked by every Act which may define a Tyrant, is unfit to be the Ruler of a free People.

Nor have we been wanting in Attention to our Britiſh Brethren. We have warned them from Time to Time of Attempts by their legiſlature to extend an unwarrantable Juriſdiction over us. We have reminded them of the Circumſtances of our Emigration and Settlement here. We have appealed to their native Juſtice and Magnanimity, and we have conjured them by the Ties of our common Kindred to diſavow theſe Uſurpations, which would inevitably interrupt our Connections and Correſpondence. They too have been deaf to the Voice of Juſtice and of Conſanguinity. We muſt, therefore, acquieſce in the Neceſſity which denounces our Separation, and hold them, as we hold the reſt of Mankind, Enemies in War; in Peace, Friends.

We, therefore, the Repreſentatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS aſſembled, appealing to the Supreme Judge of the World for the Rectitude of our Intentions, do in the Name and by the Authority of the good People of theſe Colonies, ſolemnly Publiſh and Declare, That theſe United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are abſolved from all Allegiance to the Britiſh Crown, and that all political Connection between them and the State of Great-Britain, is, and ought to be totally diſſolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, eſtabliſh Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of Right do. And for the Support of this Declaration, with a firm Reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our ſacred Honor.

Signed by ORDER *and in* BEHALF *of the* CONGRESS,

JOHN HANCOCK, *Preſident.*

ATTEST.

CHARLES THOMSON, *Secry.*

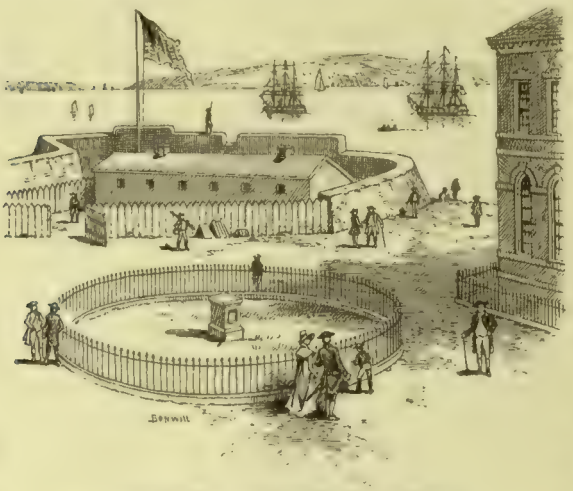
REDUCED FAC-SIMILE OF BROADSIDE DISTRIBUTED THROUGH THE COUNTRY.

this city and county and was received with general applause and heartfelt satisfaction: and at the same time our late King's Coat-of-arms was brought from the Hall, where his courts were formerly held, and burned amidst the acclamations of thousands of spectators."[1]

several districts: Therefore, resolved and ordered: That at twelve o'clock on Thursday, the 18th inst. at the City Hall, in this city, the aforesaid Declaration be published, when and where it is hoped every true friend to the rights and Liberties of this country will not fail to attend." Minutes of Committee.

1 "Constitutional Gazette," July 20, 1776.

The strength and distribution of the American army at this time is worthy of note. The official returns, dated September 12, show 14,700 men "for duty" out of an aggregate of 28,400 present. On September 2, Washington reported "our number of men, at present fit for duty, is under 20,000." On August 9 he had written to Congress that "for the several posts on New York, Long and Governor's Islands and Paulus Hook, we have fit for duty 10,514; sick, present, 3039; sick, absent, 629; on command, 2946; furlough, 97: Total, 17,225." During July and August there was much sickness, not only from diseases incident to all large bodies of recruits, but also from smallpox. This, with the frequent arrival of militia and the departure of men whose short terms had expired, makes it impossible to fix precisely the actual force for duty in the city and vicinity at the time of the battle of Long Island; approximately it was twenty thousand. The troops were organized into five divisions, under Generals Putnam, Heath, Spencer, Sullivan, and Greene; besides the artillery under Colonel Knox, and the militia of Connecticut and Long Island enrolled for the emergency.[1]



THE FORT AND BOWLING GREEN.

It appears from a document among the papers of General Knox that the above troops were stationed as follows: Scott's brigade in the city; Wadsworth's along the East River in the city; Parsons's from the ship-yards on the East River to Jones's Hill, and including one of the redoubts to the west of it; Stirling's and McDougall's still further west as a reserve near Bayard Hill; Fellows's on the Hudson,

[1] The composition of these divisions was as follows:

Putnam.
Clinton's brigade.....4 Massachusetts regiments.
Scott's brigade.....4 New-York regiments.
Fellows's brigade.....4 Massachusetts regiments.

Heath.
Mifflin's brigade.... { 2 Pennsylvania, 2 Mass., 1 Connecticut regiment.
G. Clinton's brigade..5 New-York regiments.

Spencer.
Parsons's brigade... { 4 Connecticut regiments, 1 Massachusetts regiment.
Wadsworth's brigade.7 Connecticut regiments.

Sullivan.
Stirling's brigade... { 1 Maryland, 1 Delaware, 5 Pennsylvania regiments.
McDougall's brigade { 2 New-York, 1 Connecticut, 1 artificed regiment.

Greene.
Nixon's brigade.... { 1 Pennsylvania, 2 R. I., 3 Massachusetts regiments.
Heard's brigade..... 5 New Jersey regiments.
Connecticut Militia..12 regiments.
Long Island Militia.. 2 regiments.

from Greenwich down to the "Glass House"—about half-way to Canal street; and James Clinton's from that point down to the "Furnace," opposite the Grenadier Battery. Those brigades forming Putnam's, Spencer's, and Sullivan's divisions, with the Connecticut militia, were retained within the city and its immediate vicinity. Of Heath's division, Mifflin's brigade was posted at Fort Washington, at the upper end of the island, and George Clinton's at King's Bridge. Greene's division,—Nixon's and Heard's brigades,—with the exception of Prescott's regiment and Nixon's, now under his brother, Lieutenant-Colonel Thomas Nixon, which were on Governor's Island, occupied the Long Island front."[1]

Knox

The city was represented in the forces assembled for her defense at this time by the First regiment New-York Continental Line, one of the four regiments authorized by Congress, March 8 and 24, 1776; these were the successors of the four regiments organized in June, 1775, which had served in Canada under Montgomery and whose term had expired. In the reorganization of March, 1776, Colonel Alexander McDougall was reappointed colonel of the First regiment, but subsequently (August 9, 1776) was commissioned a brigadier-general. Lamb's company of artillery of the first (1775) New-York quota was reduced by the casualties of the field from seventy men to thirty when, in March, 1776, it returned to the city, leaving its captain (captured at Quebec) wounded and in the hands of the enemy. Its natural successor was the New-York Provincial Company of Artillery, created by resolution of the provincial congress (January 6, 1776) for defense of the colony. Its first captain (March 14) was Alexander Hamilton, young, able, and ardent. Although the continental forces were then seldom enlisted for a longer term than one year, Hamilton imposed the condition of service "for the war." This organization was destined to become the germ of the regular artillery of to-day. According to Major Gardiner, "its daily roll-calls and drum-beats or bugle-calls continued, and from the day when Captain Alexander Hamilton first paraded his company in the present City Hall Park, in New-York city, to the present time, the United States has had the

[1] 'Campaign of 1776,' Long Island Hist. Mem., III, Henry P. Johnston.

services of a continuous and organized body of artillery soldiers."[1] A third company of artillery was authorized, by a resolution of March 16, 1776; of this body Sebastian Bauman was made captain. It became part of the regiment of artillery commanded by Colonel Lamb, and served until the close of the war.[2] Besides the new organizations raised for the general defense were two regiments or battalions of militia, commanded respectively by Colonels John Lasher and William Malcolm. These comprised certain city "train-bands" or independent companies rejoicing in the characteristic titles of "German Fusileers," "Oswego Rangers," "Bold Forresters," and "Sportsman's Company," with picturesque uniforms of blue with red facings and bearskin caps, or green coats with small round hats and black gaiters, which gave some color to the somber and nondescript garb in which the early continental troops met the enemy; for, with the exception of the old militia companies, the battalion of riflemen, and a few other corps,[3] the mass of the troops mobilized at New-York and vicinity appeared in rough civilian clothes. Washington, among other untiring efforts to improve his army, issued an order (July 24, 1776) in which he "feels unwilling to order any kind of uniform, but as men must have clothes and appear decent and tight, he encourages the use of hunting shirts, with long breeches made of the same cloth, gaiter-fashion about the legs." He further called attention to the moral effect of such a dress upon the enemy, as indicating the rifleman, for whose prowess they had great respect.[4]

[1] After the Declaration of Independence its name was changed to "The New-York State Company of Artillery." It served gallantly in the principal actions of the war; was at its commander's request transferred (March 17, 1777) to the army of the United States, where it still remains as "Battery F, 4th Regiment of Artillery." "The New-York Cont. Line" (Gardiner), Mag. Am. Hist., VII.

[2] In the final arrangement for the continental army, Congress fixed (September 16, 1776) the quota of the State of New-York at four regiments of infantry, and after consulting Washington increased tt to five regiments and announced (November 21, 1776) Goos Van Schaick, Philip Van Cortlandt, Peter Gansevoort, Jr., Henry B. Livingston, and Lewis Dubois as the colonels assigned to the command of the organizations.

[3] "Washington's Guard" had (June, 1776) "a blue coat faced with buff, red waistcoat, buckskin breeches, and black felt hat bound with white tape; the bayonet and body belts were also white." (Gaine's "New-York Gazette," 1776.) In the years 1775–76 an effort was made to uniform the New-York regiments in blue, brown, or gray coarse cloth coats. In the first quota (1775) the first (New-York City) regiment was provided with blue coats faced with red; Lamb's company of artillery wore blue with buff facings. "This is the first instance of any Revolutionary troops being uniformed in the old Whig Royal Artillery uniform of William and Mary's reign."—Gardiner.

[4] "In their skill as marksmen they may be compared with our peasants in Sollinger; their riflemen are terrible. The latter wear a short white

The duties of the general-in-chief included an immense amount of detail which in an older organization would have fallen upon subordinate commanders; hourly admonitions, in the shape of "orders," to the troops as to their soldierly bearing, tendency to absent themselves without leave, to discharge their pieces at irregular times and places, to sit down while on post as sentinels; besides such matters as instructing "the officers who have lately come into camp" that their several grades should be marked by cockades—"pink or red for field officers, white or buff for captains, and green for subalterns." There is a paternal tone in many of the early orders of Washington to enlisted men, abounding as they do in appeals to the intelligence, pride, and patriotism of the troops, illustrating his great tact in turning freemen into obedient soldiers, well fitted parts of the military machine that produced Saratoga and Yorktown.

NEW-YORK REGIMENTAL FLAG, 1778.

In clearing the decks for the expected collision with the British, Washington asked the convention to remove certain influential Tories from the city jail to the safer custody of the Connecticut authorities, and informed Congress that he would send the records of his headquarters to Philadelphia for better security. Again he was called upon to reassure the convention, which, after all the labor and expense of securing the city against a *coup de main*, had at the last moment weakened and resolved that if General Washington "should think it expedient for the preservation of the State and the general interest of America to abandon the city of New-York and withdraw the troops to the north side of King's Bridge, they will cheerfully coöperate with him." But matters had gone too far; if it was of political importance to anticipate the British occupation of the city, it was of the first military importance that it should not be given up without a struggle.

General Washington now issued a proclamation announcing that

shirt over their clothes, the sleeves being bordered by a number of rows of white linen fringes. A rebel invariably looks for protection to his musket which is very long. They load their guns with three small and three somewhat larger bullets: bad enough for him whom they hit. Nearly all of the wounded in the affair at Haber-town had three or four wounds—all caused by one shot. We have some consolation, however, in the fact that their muskets will not send a bullet farther than eighty paces; and they would find themselves in a sad fix if our soldiers could shoot as well as they." "Letters of Hessian Officers," (Stone), New-York, 1891.

"a bombardment and attack upon the City of New-York by our cruel and inveterate enemy may be hourly expected: and as there are great numbers of women, children and infirm persons yet remaining in the city whose continuance will rather be prejudicial than advantageous to the army, I do therefore recommend it to all such persons as they value their own safety and preservation, to remove with all expedition out of the said town," and he requested the coöperation of the convention to that end.

General Howe landed his troops at Staten Island on July 2 and 3, encamping them in such a manner as to command all the approaches. On the morning of the 12th Lord Howe arrived, with more ships, in time to witness an experiment initiated by his brother with the consent of the admiral in command of the fleet. It was a beautiful day, with a fine breeze from the south, and about half-past three in the afternoon a slight movement was observed among the enemy's vessels; two noble war-ships, the Phœnix (40) and the Rose (20), with their tenders, and "every stitch" of canvas spread to the favoring gale, moved with rapidly increasing headway up the North River. Quickly was the alarm given at the batteries on both sides of the river, and a warm reception seemed probable. Immediately every gun that could be brought to bear on the moving targets was blazing away. Particularly active was the battery at Paulus Hook. The ships poured in broadsides with great impartiality as to New Jersey and New-York; while their bulwarks, lined with sand-bags, protected the few sailors visible from the American riflemen who tried to pick them off. Being skilfully piloted, the British ships passed safely up-stream and were soon out of sight. A report of casualties comprised six American artillerymen — three killed by the premature discharge of a piece through carelessness of a gunner, and three by the enemy's fire, which did but little other damage.[1] The object of this dash was soon developed — to cut off the communications of the city with the upper Hudson; to encourage the loyalists supposed to be awaiting them in the rural districts; to destroy two vessels then building near Poughkeepsie; and, incidentally, to replenish the larder by a little judicious foraging. In nearly all of these well-meant schemes they were thwarted, principally by the vigilance and pluck

1 "(Friday, 12th July.) A few more ships came in through the Narrows, and it was reported that the great fleet from England began to arrive. In the afternoon about 3 o'clock there was unexpectedly a sharp firing. Two Men-of-War with some Tenders came up. They fired from all the batteries but did little execution. The wind and tide being in their favor, the ships sailed fast up the North river, and soon were out of sight. When they came this side of Trinity Church, they began to fire smartly. The balls and bullets went through several houses between here and Greenwich. Six men were killed. The six were put this evening into one grave on the Bowling Green. The smoke of the firing drew over our street like a cloud: and the air was filled with the smell of the powder. This affair caused a great fright in the city. Women and children, and some with their bundles came from the lower parts, and walked to the Bowery which was lined with people." Pastor Schaukirk.

of the militia recently called out for such an emergency under command of Brigadier-General George Clinton.

Lord Howe now tried his hand as a "peace commissioner," but found it difficult to treat with a power which, although yet undeveloped, insisted on ceremony and diplomatic usage. His messenger was unable to deliver his credentials—addressed as they were to "George Washington, Esq." Another attempt was hardly more successful, although the British envoy, Colonel Patterson, was received by Washington "with great pomp, by a guard, conducted to Captain Kennedy's house where he saw a great Court and gentlemen well-dressed."[1] His propositions were submitted to Congress, as a matter of courtesy; but, as Professor Smyth says of this episode of the olive-branch, "darkness and tempest still dwelt on the face of the waters, and there was no resting place for him who bore it." There was no diminution of war measures. Congress authorized the general-in-chief to utilize the troops in the "flying camp" of instruction at Amboy and those at Ticonderoga for his operations at New-York, and made an abortive effort to bribe the Hessian contingent by offering bounties of land and other privileges to such officers and soldiers as should enter the American service. It is not remarkable that such a bid for desertion should prove a sort of boomerang, and that Lieutenant-Colonel Zedwitz of a New-York regiment, who had undertaken the task of translating the bulletin into German (for distribution in the Hessian camp), should attempt to sell the news to Governor Tryon; failing in this, Zedwitz was arrested, tried, and cashiered.

With a view to prevent the enemy's ships from repeating the exploit of the Rose and Phœnix in the North River, an attempt was made to obstruct the channel with chevaux-de-frise of a fashion devised by General Putnam.[2] Notwithstanding this, and a gallant

[1] Letters of Col. Stephen Kemble, Deputy Adjt.-Gen., British Army. N. Y. Hist. Soc. Coll.

[2] "We are preparing Chevaux-de-frise at which we made great despatch by the help of ships which are to be sunk; a scheme of mine, which you may be assured is very simple, a plan of which I send you. The two ships' sterns lie toward each other, about 70 feet apart. Three large logs which reach from ship to ship, are fastened to them. The two ships and logs stop the river 280 feet. The ships are to be sunk, and when hauled down on one side, they must inevitably stop the river if the enemy will let us sink them." Putnam to Gates, July 26, 1776.

and ingenious attempt to destroy those vessels by fire-rafts, the two men-of-war (minus one of their tenders) returned (August 17) by the same route, managing to avoid the obstructions, and although frequently hulled by the fire from the shore-batteries, rejoined the British fleet with the loss of only one man.

The American defenses on Long Island consisted of three small fortresses and two redoubts connected by field intrenchments and protected by abatis and other entanglements. The line extended from the Wallabout Bay across the neck of land (now the heart of Brooklyn) to Gowanus marsh, and faced a little south of east. On the extreme right of this line stood Fort Box, its guns covering the approaches from Gravesend and Flatbush; an eighth of a mile to the left was the largest work, Fort Greene,[1] mounting six guns and commanding the main road to Jamaica and Flatbush; on the same line, but on the north side of this road (near the corner of De Kalb and Hudson avenues), was planted the "Oblong Redoubt"; one quarter of a mile further north, Fort Putnam, with three pieces, guarded the Newtown, Bushwick, and Flatbush roads, and on the extreme left the remaining redoubt, with rifle-pits covering its northern flank, marked the beginning of the swamp ending in the "Wallabocht." The right flank of these intrenchments was further strengthened by a battery of four guns on Cobble Hill, an elevation about a half-mile due west and in rear of Fort Box; the only approach to this battery was a lane leading up from Red Hook, which, together with Governor's Island, stood sentinel-wise over the Buttermilk Channel.

The works on Red Hook were armed with four eighteen-pounders; on Governor's Island with four thirty-twos and four eighteens. About one mile to the west of Fort Putnam stood a large work called Fort Stirling, near the edge of the bluff now known as the Heights; it had been thrown up early in the spring of 1776, and mounted eight guns. These works were constructed under the supervision of General Greene, who had also been placed in command of the troops assigned to defend them. This force consisted of six regiments of the Continental Line and two of the Long Island militia; to these were added, subsequently, Atlee's Pennsylvania rifles, Smallwood's Maryland, and Haslet's Delaware regiments. A contemporary description will aid us in comprehending the situation: "From the point of land which forms the east side of the Narrows, runs a ridge of hills about N. E., in length about five or six miles covered with a thick wood which terminates in a small rising land near Jamaica: through these hills are three passes only; one near the Narrows, one on the road called the Flatbush road and one called the Bedford road, being a cross road

[1] This work was situated on or near the line of Pacific street, a short distance above Bond. Memoirs L. I. Hist. Soc., III, p. 69.

from Bedford to Flatbush which lies on the Southerly side of these hills; these passes are through the mountains or hills, easily defensible, being very narrow and the lands high and mountainous on each side. These are the only roads which can be passed from the south side the hill to our lines, except a road leading around the easterly end of the hills to Jamaica."[1] Finally, on August 23, Washington advised Congress that he had been obliged to assign General Sullivan to the command of Long Island on account of the severe illness of General Greene.

COLONEL STEPHEN KEMBLE.

Mars having unsuccessfully tried the olive-branch, now proceeded to wield a more familiar instrument. Its power, brilliantly displayed in sight of the city, is concisely set forth by a British naval officer who was present, commanding H. M. S. Rainbow. He says: "General Howe had now the satisfaction of finding himself at the head of full twenty-four thousand fine troops, most completely furnished and appointed, commanded by the ablest and the best officers in the world, and having a more numerous artillery than ever before was sent from England. Four-hundred transports were anchored abreast of Staten Island, to carry them to any place the General might choose to attempt; and thirty-seven sail of men-of-war attended as a protection and an escort, if it should be wanted."[2]

General Howe commenced operations against Long Island by landing, August 22, fifteen thousand men, including British and auxil-

1 General Parsons to John Adams.

2 "Journal Sir George Collier, R. N." (Mem. L. I. Hist. Soc., II, 407.) General Clinton says Howe had "24,464 effectives fit for duty, a total of 26,980, officers not included, who when added amounted to 31,625 men."

"List of the Forces under. Gen Howe at New-York, 1776." From Beatson's "Naval and Military Memoirs of Great Britain," VI, 44.

Dragoons, 16th and 17th regiments	984
Foot Guards	1,105
Infantry, 23 regiments (10 cos. each)	14,234
42d or Royal Highlanders	1,168
71st or Frazer's Battalion	1,298
Artillery, 6 companies	486
Marines, 2 battalions	1,172
Hessians, infantry	12,579
" artillery	588
	33,614

ORDER OF BATTLE, BRITISH ARMY, *Staten Island*, August 1, 1776. His Excellency, General HOWE, Commander-in-chief. *First Line*, Lieut.-General CLINTON: 1st Brig., Major-Gen. Pigot, 4, 27, 45, 15 Rgts.; 2d Brig., Brig.-Gen. Agnew, 5, 35, 49, 28 Rgts.; 5th Brig., Brig.-Gen. Smith, 22, 54, 63, 43 Rgts.; 6th Brig., Major-Gen. Robertson, 23, 57, 64, 44 Rgts. (in order from left to right). *Second Line*, Lieut.-Gen. Earl PERCY: 3d Brig., Major-Gen. Jones, 10, 38, 52, 37 Rgts.; 4th Brig., Major-Gen. Grant, 17, 46, 55, 40 Regts.; 7th Brig., Brig.-Gen. Sir W. Erskine, 71st Rgt. and 17th Drags. *Corps de Reserve*, Lieut.-Gen. Earl CORNWALLIS: Major-Gen. Vaughan, 4 Battalions Grenadiers, 33 and 44 Rgts.; Brig.-Gen. Leslie, 4 Batts. Light Infantry; Brig.-Gen. Matthews, Detacht. Foot Guards. *Artillery*, Brig.-Gen. CLEAVELAND. Beatson's "Naval and Military Memoirs," London, 1804.

iary troops, under Sir Henry Clinton and Lord Cornwallis, on the beach at Gravesend.[1] The debarkation was completed, without opposition, by noon of that day. The British advanced toward the American outposts, and after some skirmishing and "feeling" Sullivan's lines they retired to positions in front, the Americans "burning wheat and such other property as might be of immediate benefit to the British troops." Six regiments were sent to General Sullivan's aid, and arrangements were made to further reinforce him as soon as it should be certain that Long Island was to be the main point of attack. Much to Washington's surprise, the British remained quietly in their positions, in front of the "Red Lion" and Flatbush, for several days.

Either as an incident of no special import or else because the general-in-chief was doubtful of Sullivan's capacity, General Putnam (Sullivan's senior) was sent over on the 24th, and he immediately assumed command.[2]

The American forces, by the night of the 26th, had been swelled by detachments from New-York island to a total of seven thousand men ready for duty. Of these two thousand eight hundred were in the advanced line, as follows: Hitchcock's Rhode Island, Little's Massachusetts, Johnston's New Jersey, and Knowlton's Connecticut regiments occupied the Flatbush pass; on the Red Lion road, on the right, Hand's Pennsylvania riflemen, Atlee's Pennsylvania infantry, some New-York troops, and a detachment of Pennsylvanians under Major Burd; at the Bedford pass, on the road to Flatbush, Wyllis's and Chester's Connecticut regiments were stationed; while, further to the left, Colonel Miles with his Pennsylvania regiment occupied the woods. All these troops seem to have been posted with reference to an attack from the south and southeast rather than from any other quarter. One of the most important approaches, the Jamaica-Bedford road, was protected only by patrols during the day, at the discretion of the commanding officer in the vicinity.

On the British side, an additional force of nearly five thousand Hessians, under General De Heister, landed at Gravesend on the 25th, increasing Howe's forces on Long Island to a total strength of twenty thousand men. De Heister relieved Cornwallis in front of Flatbush.

[1] In 1782, among the loyalist organizations presumably recruited from New-York city and vicinity, and incorporated with the British forces serving in America, were the following: Simcoe's 1st American Regiment, or "Queen's Rangers": Rawdon's 2d American Regiment, or "Volunteers of Ireland"; Turnbull's 3d American Regiment, or "New-York Volunteers"; Brown's "Prince of Wales" American Regiment; Robinson's "Loyal American Regiment"; and "De Lancey's Brigade" (three regiments). "New-York Continental Line" (Asa Bird Gardiner), Magazine American History, VII.

[2] "On General Greene's being sick, Sullivan took the command, who was totally unacquainted with the ground or country. Some movements being made which the general did not approve entirely, and finding a great force going to Long Island, he sent over Putnam, who had been over occasionally; this gave some disgust, so that Putnam was directed to soothe and soften as much as possible." Sedgwick's "Life of Livingston."

The day before the battle, Washington, accompained by Putnam and Sullivan, made a personal inspection of the Long Island lines, and reiterated his former instructions to Putnam touching the details of the defense: that a general officer of the day should be constantly on duty; that all the approaches should be vigilantly watched; that the oldest troops should be placed in the outer line and the raw militia behind the permanent intrenchments. The general spent the entire day on the island and then returned to the city. At the same moment Sir William Howe was completing his arrangements to attack the Americans. Notwithstanding his enemy's weakness in numbers, and the contempt of their soldierly qualities which it had been the fashion to express in British circles, General Howe paid them the compliment of as elaborate a plan of battle as if he were confronted by the most seasoned soldiers of Europe. He divided his force into three parts. General Grant, with two brigades, was to open the ball by way of the Gowanus road, and General De Heister, with the Hessians, was directed to threaten the American center, in front of Flatbush. At nine o'clock the same night Clinton, Cornwallis and Percy, with the remainder of the army, the light dragoons, light infantry, brigades of foot, the Guards, and the royal artillery reserve,—in all about nine thousand strong,—under the immediate eye of the commanding general, began to move by a circuitous route to the Jamaica pass. The time required for these movements was nicely calculated, and signals were agreed upon so that the most complete coöperation of the three columns might be assured.

AN OFFICER OF THE SEVENTEENTH LIGHT DRAGOONS.[1]

At two o'clock on the morning of the 27th the drowsy American outposts in front of the Red Lion Tavern, where the road forked to the Narrows, were startled by shots in their front; simultaneously, the advanced pickets fell back, on the run, before a force of unknown strength. In the confusion the reserve was forced back some distance until rallied by the officer of the day, General Parsons. General Lord Stirling, with Smallwood's, Haslet's, and Kichline's regiments, and those of Huntington and Atlee, in all about sixteen hundred men, soon arrived and took position on a high point overlooking the little bridge north of the hill known as the "Blockje Bergh,"[2] which the enemy had by that time (4 A. M.) gained. Here, for four long hours, Stirling, assisted by Parsons, withstood General Grant's seven thou-

[1] This regiment was raised in 1759, and formed the advance of Howe's flanking column on Long Island, August 27, 1776. One of its officers then was Captain Oliver De Lancey, who eventually became its colonel. Its motto was "death or glory."

[2] Near Third Avenue and 23d street, Brooklyn.

sand veterans, joining them in a brisk musketry fire and an unequal but spirited artillery duel.[1] The conduct of the Americans, in this their first test in open field, was excellent. A reliable witness testifies that Stirling "drew up his men in line, and offered them [the British] battle in true English taste. The British then advanced within about two hundred yards of us, and began a heavy fire from their cannon and mortars; for both the Balls and Shells flew very fast, now and then taking off a head. Our men stood it amazingly well."[2] The enemy formed two lines extending from the Blockje Bergh on their left to the southwestern slope of what is now Greenwood Cemetery. Grant did not press his opponent heavily, as he awaited the signal to do so from the flanking column under General Howe; nevertheless he suffered severely from Carpenter's guns and the precision of the American riflemen. Some of the best fighting of the day was done by Atlee, on Stirling's left, on a cleared hill in the northwest section of Greenwood (near Battle Hill), from which the enemy was driven with the loss of twelve killed and an officer and four men wounded. At 8 A. M. there came a lull in the fight at this point, and an opportunity to note the casualties. In the mean while the remainder of the American army had been quietly listening to the rattle of small arms and the booming of field-pieces on the lower road. The Hessians in front of Flatbush, beyond a slight demonstration early in the morning, were remarkably inactive; the skirmish-lines, however, observing each other closely. Hand's riflemen, relieved from picket only an hour before Grant's attack, had been recalled from camp and posted on Prospect Hill overlooking the main Flatbush pass. At about nine o'clock General Sullivan rode out from his station at the inner line to reconnoiter at the Flatbush pass. It seemed as if the enemy's main attack would be by the Gowanus road, and he again reinforced Lord Stirling, little thinking that at that very moment the wolf had entered the fold.

At three o'clock the same morning the advance-guard of Howe's flanking column, guided by willing Tories, came stealing across the fields in front of the Half-way House on the road leading from Jamaica

[1] Between two guns under Captain Carpenter of Providence, R. I., and a British battery.

[2] President (then Lieutenant) Stiles's Diary, Mem. L. I. Hist. Soc., II.

to Bedford and Brooklyn. So skilfully had their approach been conducted that five American officers, sent out from Putnam's headquarters as a patrol to watch that road, were caught napping and with their horses were captured. While the prisoners refused, although threatened with instant death, to disclose the position of their army, it was soon evident that the road to Bedford was not picketed and was open to further investigation.

After a brief halt for refreshment, the British advance pushed on to Bedford. It is almost inconceivable that nine thousand men, horse, foot, and field artillery, could have reached the rear of so compact a force as that of Putnam without meeting with a single hostile person except the patrol. The only American force near the left of their line was Miles's regiment, in the woods more than a mile south of the Jamaica road, with which it does not appear to have been connected by pickets or videttes.[1]

When the Hessians reopened fire at Flatbush, Miles became uneasy, and taking one battalion of his regiment, without orders, began to scout toward the Jamaica road. This he came in sight of, two miles east of Bedford, just as Howe's train was passing. Space does not admit of more than a passing reference to what followed. It was no longer a question as to who was the victor; rather how complete was to be his triumph. Deploying into the woods and facing to the southwest, part of Howe's flanking column pressed forward, while, simultaneously, De Heister forced the Flatbush pass; between them they corralled the unfortunate Sullivan, who, with four hundred men, lingered too long in De Heister's front; the rest, with the exception of Stirling's men, fled in disorder to the fortifications. Cornwallis, with a couple of regiments, continued on down the road toward Stirling's rear. That officer, now almost surrounded, made a tremendous effort to save his command. He turned to meet Cornwallis, and after a very hot and extremely gallant combat, in which the Marylanders particularly distinguished themselves, with Cornwallis, De Heister, and Grant closing in on three sides and an almost impassable marsh on the other, he finally surrendered with a handful of his men to the Hessian commander. Parsons had remained in the woods where he had been posted early in the morning by Stirling, and claimed to have received no orders to retire; his detachment was subsequently discovered by the enemy's flanking parties, but managed to escape under cover of the darkness. The enemy, after an attempt to penetrate the intrenchments, withdrew to their camps.

1 "For our lines to the left were, for want of Videttes, left open for at least four miles where we constantly scouted by day, which, beside Mounting a guard of one hundred men and an advance party of subaltern and thirty to the left of us, was hard duty for our regiment: during the night of the 26th we were alarmed three different times and stood to our arms." Lieut.-Colonel Brodhead, of Miles's regiment.

The casualties (killed, wounded, and missing) reported on the British side comprised eighteen officers and three hundred and thirty-one enlisted men;[1] of the Americans, according to the most reliable authority, they "did not much exceed one thousand. About eight hundred, including ninety-one officers, were taken prisoners; not more than six officers and about fifty privates were killed; and less than sixteen officers and one hundred and fifty privates wounded."[2] It is certain, also, that no more eloquent tribute can be paid those American troops who had a fair chance to meet the enemy on the 27th than the fact, now well established, that "the British and Hes-

SULLIVAN'S POSITION NEAR FLATBUSH PASS, BROOKLYN.

sians suffered a loss in killed and wounded equal to that inflicted upon the Americans."[3]

The day after the battle was utilized by both sides in repairing damages, and by the patriots in reinforcing their lines; by the following day (the 29th) fresh detachments had arrived, so that by evening they were stronger in numbers than ever — with an effective force of nine thousand five hundred men. Notwithstanding the rain, which fell incessantly for forty-eight hours, the pickets kept up a spiteful fusillade, and the British began to use the spade in an unmistakable attempt to reach the American fortifications by regular approaches. A brief reflection convinced Washington that, with the enemy's preponderance in men and artillery, it was only a matter of hours before the British would possess his works, even without the aid of their ships, which, so far, had been prevented from coming up to the city by unfavorable winds. The proposition to retreat to New-York was

[1] Killed, 5 officers and 56 men; wounded, 12 officers and 245 men; missing, 1 officer and 30 men. (Colonel Stephen Kemble's Memoirs, N. Y. Hist. Soc. Coll.) General Howe, however, reported total casualties 367, commissioned and enlisted.

[2] Mem. L. I. Hist. Soc., III, Johnston.

[3] Johnston, as cited.

submitted, the same afternoon, to a council of general officers, and after discussion was unanimously approved.[1] Steps had already been taken by the quartermaster's department "to impress every kind of water craft from Hell Gate on the Sound to Spuyten Duyvil Creek that could be kept afloat, and that had either sails or oars, and have them all in the east harbor of the City by dark."[2] It is an evidence of the natural executive ability of the leading staff-officers on duty there, that this extraordinary emergency was met with so much precision and secrecy.

Cornwallis

Once determined, the preparations for withdrawal went on smoothly and noiselessly. But few, if any, of the regimental commanders knew why they were ordered to have their men in readiness to move at a certain hour and place; that the order was general they did not suspect, and it was supposed to refer to a simple substitution of fresh troops for battle-worn soldiers. For once, Providence was *not* "on the side of the heaviest artillery." The bad weather of the previous day had soaked the enemy into shelter, and the subdued noises of the dripping forest neutralized the muffled bustle behind the American intrenchments. One after another the battalions moved, silently, in close order, down the road to the ferry (now Fulton Ferry), and were quickly rowed or sailed across the East River. Once the wind shifted, and for a while the sail-boats were motionless; but again a favoring breath from the southeast sprang up, and toward dawn a heavy fog settled over the river. By four o'clock on the morning of August 30 Washington had, to a great extent, retrieved the disaster of the 27th, and had snatched his greatly imperiled army out of the lion's jaws. Captain Montresor, Howe's chief engineer, making an early reconnoissance, was the first to discover the abandonment of the position, and to announce that the bird had flown.[3]

The matter of responsibility for the principal American mistake at

[1] "As the main body of the enemy had encamped not far from our lines, and as I had reason to believe they intended to force us from them by regular approaches, which the nature of the ground favored extremely, and at the same time meant, by the ships of war, to cut off the communication between the City and Island, and by that means keep our men divided and unable to oppose them anywhere, by the advice of the general officers, on the night of the 29th, I withdrew our troops from there without any loss of men and but little baggage." Washington to Trumbull.

[2] Memorial of Colonel James Hughes.

[3] (August 30.) "In the morning to our great astonishment found they had evacuated all their works on Brookland and Red Hook without a shot being fired at them and to the best of our observation found a body of three or four hundred remaining upon Governor's Island who might have been taken by flatboats, but for what reason was not attempted: neither could our war shipping get up for want of wind, and the whole escaped the following night to New-York." Col. Kemble, in N. Y. Hist. Soc. Coll.

Long Island has always been a bone of contention with historical writers. Some would let it rest upon Putnam, the nominal commander; others would add to Sullivan's misfortunes on that day—although what little effort was made in the way of obtaining information of the enemy's whereabouts seems to have been *paid for out of that officer's pocket.* There is also a tendency to make a scapegoat out of Colonel Miles, whose regiment was posted near the open gate by which the enemy entered; and it may be that the patrol of five officers who were charged with the key of that gateway deserve some share of unfavorable criticism, although the record fails to show how their duty was performed. But the military student may seek in vain for evidence that due provision was made, in organizing the Long Island defensive force, for that essential part of every army—mounted troops. Doubtless the expense of maintaining horsemen had something to do with this, yet we know that at least one troop was on duty near Jamaica with General Woodhull; hence the temporary detail of five inexperienced commissioned officers for patrol duty.[2] It seems evident that Washington exercised actual command of the force; that Putnam's relation to him was like that of Meade to Grant in the Wilderness; that, together, they made an inspection of the outposts on the day before the battle, when any deficiencies in the method of performing the picket duty might have been noted and remedied; and, above all, the comparative absence of censure of his subordinates, in any of Washington's writings, leads inevitably to the conclusion that the great chieftain himself quietly assumed the responsibility. In summing up the situation one is fain to agree with Lieutenant-Colonel Brodhead, who commanded a battalion of Miles's regiment, when he says, "upon the whole, less generalship never was shown in any army, since the Art of War was understood, except in the retreat from Long Island which was well conducted." The "honors" of the affair, from a military standpoint, were about even. Washington had lost a battle; Howe an opportunity. The one with

HESSIAN BOOT.[1]

[1] Friederich's dragoons, while equipped for mounted service, were without horses, and of course unfitted for field service. Irving says, "The very hat and sword of one of them weighed nearly as much as the whole equipment of a British soldier. The worst regiment in the British service could march two miles to their one." The above representation of a boot preserved at the Newburgh headquarters of the American army is sufficient evidence of the facts stated by Washington's biographer. EDITOR.

[2] It is a well-established principle that patrolling is not a sufficient protection to troops encamped near an enemy, especially in a wooded country, unless combined with videttes, or infantry pickets, posted well to the front and flanks of the position. The failure properly to picket the Union lines at Shiloh; Pope's want of cavalry and Jackson's flank movement at Manassas; the final stand of the Old Guard at Waterloo; the failure to secure all the fruits of victory and the masterly withdrawal of the defeated army at Gettysburg, all seem to have been rehearsed in their main features within the limited compass of the battle of Long Island. [T. F. R.]

green troops had accomplished a masterly retreat, the other with a superior force had gained an indecisive victory. With the customary promptness of the British government to rejoice over its military successes, however insignificant, congratulatory addresses from lord mayors and corporations poured in upon the king; bells, bonfires, and "bombshells" contributed to the popular pleasure, "on account of the success of his Majesty's troops at Long Island"; General Howe received a red ribbon, and Bunker Hill was avenged. But this was nothing to the effect on American credit in European markets, where our agents were trying to borrow money and otherwise to provide the sinews of war. At home the effect was not altogether bad. It acted as a bitter tonic, nerved leading patriots to the serious task before them, and inspired them, as John Adams's wife wrote, to "learn by defeat the power of becoming invincible."

THE KEMBLE ARMS.

Upon the rank and file of the American army the moral effect of the Long Island reverse was depressing. As to the militia, Washington reported them "dismayed, intractable, and eager to return home. Great numbers have gone off, in some instances almost by whole regiments, by half ones, and by companies at a time." He took the opportunity to impress upon Congress the necessity of enlisting troops for the war and in other ways establishing the army on a permanent footing. In the mean while the available troops were reorganized into three grand divisions, under Putnam, Spencer (in the absence of Greene), and Heath. Putnam, with the brigades of Parsons, Scott, Clinton, Fellows, and Silliman, occupied the lines south of Fifteenth street; Spencer, with the brigades of Nixon, Heard, McDougall, Wadsworth, Douglas, and Chester, from Fifteenth street to Horn's Hook (Hell Gate) and Harlem; and Heath, with Mifflin and Clinton's brigades, was stationed at King's Bridge. It now became a question as to the further occupation of the city. Want of confidence in the quality of his troops induced Washington to recommend the abandonment of the city, and this he was authorized by Congress to do. Some of his subordinates, notably General Greene, advised the burning of the city, but Congress ordered that it should in no event be damaged, for they "had no doubt of being able to recover it, even though the enemy should obtain possession of it for a time."

The removal of the public property to Harlem Heights was commenced on September 13, and was nearly completed when, on the 14th, the enemy, after a fortnight's comparative inaction, resumed operations. On the night of September 3 the Rose (20 guns) led the way up the East River with thirty boats, and anchored in Wallabout Bay, where on the 5th they were exposed to a warm fire from our

batteries; on the following two days about seventy-five additional boats slipped by and reached Bushwick Creek in safety. On the evening of the 14th the frigates Roebuck, Orpheus, Phœnix, and Carysfort, escorting six transports, took advantage of a fair wind and, ignoring our artillerists, joined the Rose.[1] Early next morning (September 15) the five frigates moved up the stream and anchored off Kip's or Turtle Bay; at the same time three men-of-war sailed up the North River and took position near Bloomingdale. It became apparent to Washington that Howe was about to repeat his Long Island tactics, this time with the aid of the navy. The British had concentrated troops at or about Astoria, occupied Montresor (Randall's) and Buchanan (Ward's) islands, and with an abundance of boats at hand prepared to make a landing near Kip's house (now the foot of Thirty-fourth street) on the East River. From this point as far south as Corlaer's Hook (Grand street) were Putnam's five brigades; as it happened, the force at Kip's Bay consisted of three Connecticut militia regiments, under Colonel Douglas. The enemy made their preparations to land with deliberation and dramatic effect. The embarkation of their troops having been completed, the eighty-four boats were marshaled in two lines, and the surface of the water sparkled with brilliant hues from arms and uniforms. An eye-witness said it was "like a large clover-field in full bloom." As the sailors bent to their oars and the pageant drew nearer to the nervous spectators, the broadsides of the frigates opened with a deafening roar upon the Americans. It was the last straw; the low intrenchments afforded no cover from such a fusillade from gun-decks and tops, and were immediately abandoned. Once having turned their backs, nothing could have rallied them; and ere the enemy had fairly set foot on shore, most of the Americans in the vicinity had decamped and were making fast time for Harlem.[2] What followed is briefly told. At the road which then ran across the island between the lines of Forty-second and Forty-third streets Washington met the ebbing human tide and was nearly swept away by the undertow. Like Sheridan he shouted to the flying troops to turn back, but the

1 "Just after dinner 3 Frigates and a 40 Gun Ship (as if they meant to attack the city) sailed up the East River under a gentle Breeze toward Hell-Gate and kept up an incessant Fire assisted with the Cannon at Governor's Island; The Batteries from the City return'd the Ships the like Salutation; 3 Men agape, idle Spectators, had the misfortune of being killed by one Cannon-ball, the other mischief suffered on our side was inconsiderable Saving the making a few Holes in some of the Buildings; one shot struck within 6 Foot of Gen. Washington as he was on Horseback riding into the Fort." Joshua Babcock, in Rhode Island Archives.

2 "The enemy's boats got under cover of the smoke of the shipping and then struck to the left of my lines in order to cut me off from a retreat. My left wing gave way, which was composed of the militia. I lay myself on the right wing waiting for the boats until Captain Prentice came to me and told me if I meant to save myself to leave the lines, for that was the orders on the left, and that they had left the lines. I then told my men to make the best of their way, as I found I had but about ten left with me." Colonel Douglas's letter, September 18, 1776. Memoirs Long Island Historical Society, III.

frightened levies of Kip's Bay had not the "seasoning" of the surprised army of Cedar Creek. In an open field, where now stand the Reservoir and Bryant Park, the general-in-chief, assisted by his staff and several general officers, made a final and desperate effort to rally the fugitives; and here, lingering in the vain hope of presenting a decent front to the British, Washington nearly fell into their hands, and in mingled wrath and despair was fairly dragged away by his friends.[1]

BRUNSWICK GRENADIER.

General Putnam, fearing that Silliman's brigade and Knox's artillery, then in the city, would be cut off, hastened in person to extricate those troops from their perilous position. Guided by young Aaron Burr, of his staff, the Americans moved rapidly under cover of the woods and fences from Bayard's Hill across the country to Monument Lane (now Greenwich Avenue), and through Eighth Avenue as far as Forty-second street.[2] Thence Putnam pushed his panting men along the banks of the North River, still under cover of the woods, taking the Bloomingdale Road near Seventieth street, and then on to Harlem Heights, where the exhausted foot-soldiers arrived early in the evening. The day was very hot, and more than one poor fellow, weakened by disease, fell by the way. Near Bloomingdale a party of the enemy overtook the Americans, but were repulsed by Silliman's rear-guard.

In almost all the reputable histories[3] it has usually been claimed that Putnam owed his success in bringing off Silliman and Knox to a happy inspiration of Mrs. Murray of Incleberg, a locality now known as Murray Hill.[4] While there seemed to be as yet no possibility that the American troops in the lower part of the island could escape the trap in which they had been caught, she invited General Howe and other prominent officers to halt in their pursuit of Washington's demoralized militia, and to refresh themselves under her vine and fig-tree. But there is every reason to think that the

[1] "At the first sound of the firing I rode with all possible dispatch towards the place of landing, when, to my surprise and mortification, I found the troops that had been posted in the lines retreating with the utmost precipitation; and those ordered to support them, Parsons' and Fellows' brigades, flying in every direction and in the utmost confusion. . . . . I used every effort in my power to rally and get them in order, but my attempts were fruitless and ineffectual, and on the appearance of a small party of the enemy, not more than sixty or seventy in number, their disorder increased, and they ran away without firing a shot." (Washington to Congress.) In certain features of panics, as in other things, history repeats itself. At Kip's Bay, Paymaster Sill testified that "there was a cry from the rear that the Light Horse were advancing, and a great part of the battalion precipitately threw themselves into the lot on the west side of the road." At Bull Run it was "the Black Horse Cavalry are coming." [T. F. R.]

[2] Mem. L. I. Hist. Soc., III. 238, Johnston.

[3] Bancroft's "United States," 5: 45 (ed. of 1883).

[4] The Murray mansion stood on Fourth Avenue, near Thirty-seventh street.

movements of the British forces had been ordered, and were in course of execution, before Sir William fell a victim to the blandishments of the patriotic Quakeress and her fair daughters. With a couple of lieutenant-generals to look after such details as picking up stragglers and taking possession of an abandoned town, the commanding general might well relax his "grim visage" for an hour or two, without sacrificing any military advantage. The moment a landing was effected, and the post-road gained, Donop's Hessians[1] were sent down by that route to take formal possession of the city; Putnam's skilful retreat along the wooded bank of the Hudson enabled him to avoid the enemy until it was too late to intercept him.

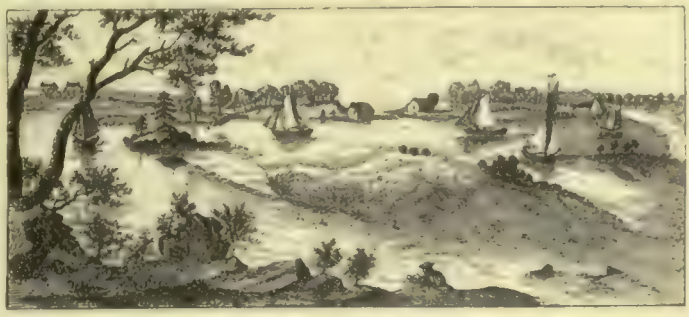
General Washington retired to Harlem Heights,[2] where he prepared to await the enemy's further movements and gather strength for resistance. The British extended their lines from Bloomingdale across the island to Horn's Hook, with pickets well to the front, in the plain between the lines, which became a sort of neutral ground. After a night of more or less rest on the part of the opposing forces, early in the morning of the 16th a scouting-party consisting of Knowlton's Rangers[3] encountered the British pickets near Hogeland's house (112th street and Twelfth Avenue) and had a smart skirmish with a portion of the enemy (the light infantry) there. Two battalions of that corps, together with the Forty-second Highlanders, about four hundred men, were sent to punish the temerity of the Americans, who fell back, slowly, in such good order (taking advantage of the stone fences and firing with precision) that by the time they had covered the two miles to their own lines they had inflicted considerable loss upon the enemy, losing ten men themselves. The British troops, according to a witness, "in solid column," followed the retiring rangers, disdaining shelter, until they reached the northern edge of Bloomingdale

1 "Last Sunday (September 15) we landed amid the loud cannonading of five sloops-of-war, in flat-boats from Long Island, on New York Island about four miles from New York City. As riflemen we were detailed as an advance-guard; and during the afternoon we took entire possession of this part of the Island. Hardly, however, had we taken up our quarters when a new alarm on the part of the rebels obliged us to turn out. I had the right wing of the advanced guard; and as our march led us toward King's Bridge, I was most of the time near the East River, along whose banks are the most beautiful houses. I had the honor of taking possession of these handsome dwellings, and also of the enemy's battery, where I found five cannon. The rebels fled in every direction. All of these houses were filled with furniture and other valuable articles, lawful prizes of war; but the owners had fled, leaving all their slaves behind. In a day or two after, however, one head of the family after another appeared, and tears of joy and thankfulness rolled down the cheeks of these once happy people, when, to their great surprise, they found their houses, fruits, animals and furniture intact, and learned from me that I had only taken possession of them for their protection. Nor could they believe me until I had turned their property over to them." Lieutenant Henrich, "Hessian Letters" (Stone).

2 From "Point of Rocks," at Ninth Avenue and 126th street, northwesterly to the Hudson; opposite to these heights on the south side and across a hollow way (through which Manhattan Avenue now runs) was another parallel line of bluffs extending from 125th street and Ninth Avenue to 129th street and North River, and later known as "Bloomingdale Heights."

3 Composed of about one hundred volunteers from Durkee, Conn., and other New England regiments, acting as scouts.

Heights, where in derision their buglers sounded a fox-hunter's peal. Washington, observing this from his outlook on the Point of Rocks, caused a detachment from Nixon's brigade, under Lieutenant-Colonel Crary, of Varnum's Rhode Islanders, to demonstrate in the British front, while Colonel Knowlton, with his rangers and one hundred and twenty Virginians under Major Leitch, was directed to move around the enemy's right and gain their rear. The effort was almost a complete success. The light infantry and Highlanders, noting Crary's small force apparently at their mercy in the "hollow way," ran down to attack them. Knowlton and Leitch, accompanied by Colonel Read, attempted to execute their part of the program, but owing to a mistake in direction came out on the enemy's flank, rather than in rear, causing him to fall back over the bluff he had previously occupied, closely pressed by Knowlton's and Crary's detachments. Here fell Knowlton and Leitch, the former mortally, the latter severely wounded.[1] The retreating Britons were closely followed by the Americans. Washington, fearing they might go too far, reinforced them with three companies of Marylanders, under Major Price, and some New England troops, swelling the patriot force to about eighteen hundred men. This was timely, for General Howe, at the Apthorpe House, becoming anxious for his light infantry, ordered the reserve and some Hessians, together with two three-pounder field-pieces, to their support. What had commenced as "an affair of outposts" had developed into a very respectable fight in which each army was represented by some of its best troops. It was witnessed and, to some extent, participated in by the principal officers of both armies, Washington, Putnam, Greene, and Clinton encouraging their troops, while the British commander-in-chief began to think a general engagement was imminent. But, after pressing the enemy back to their lines, Washington prudently withdrew his force, well satisfied with the morning's work. Its physical results were a British loss of eight officers and fourteen men killed, and about seventy wounded;[2] on



EAST VIEW OF HELL GATE, 1776.

[1] Professor Johnston says: "We can identify the spot where the fall of these brave officers occurred as on the summit of the Bloomingdale Heights below 119th street, about half-way between the lines of 9th and 10th avenues." Mem. L. I. Hist. Soc., 3: 254.

[2] Howe's official report.

the side of their opponents about twenty-five killed (including four officers), and fifty-five wounded. To the Americans, at this moment of their greatest depression, it had all the moral value of an important victory: it restored their confidence.

After this affair Washington was permitted to pursue the work of reorganization, unmolested, for nearly a month. During this period he did not "spare the spade and the pick-axe"—as much as a means of keeping his men out of mischief as to erect necessary defensive works. Of these he completed three lines extending entirely across the island, from the Hudson to the Harlem, between One Hundred and Forty-fifth and One Hundred and Sixtieth streets. Signal-stations were also established on the extension of the first line as far eastward as Throgg's Neck. On October 5, the official returns of Washington's army showed a personnel of 25,735, of whom 8,075 were sick or absent, leaving less than eighteen thousand, nominally, "for duty." Part of these were in New Jersey, and at least fifty per cent. were of less than one year's experience as soldiers. The army was especially weak in the quality of its officers; many of them were inferior, socially, to the men, and Adjutant-General Reed relates his disgust that "a captain of horse who attends the General from Connecticut, was seen shaving one of his men on the parade," near the headquarters.[1] With hostile armies encamped in close proximity, the pickets are apt, during the first few days, to keep up an irregular but harassing fire on each other. Those stationed at this time on Montresor's Island and the Morrisania shore were no exceptions to the rule. After one or two American soldiers and a British officer had fallen victims to this unprofitable rifle-practice, it was discontinued by mutual consent. The pickets became "so polite to each other on their posts that one day at a part of the creek where it was practicable, the British sentinel asked the American, who was nearly opposite to him, if he would give him a chew of tobacco; the latter having in his pocket a piece of a thick, twilled roll, sent it across the creek to the British sentinel, who, after taking off his bite, sent the remainder back again."

1 Washington's headquarters at this time were at the Roger Morris house (afterward Mme. Jumel's. See p. 522).

General Howe now proceeded to make another effort to cut his enemy's communications, and perhaps capture his entire force. So on October 12 he embarked a large part of his army on flatboats bound up the Sound; but adverse winds delayed the flotilla, and it did not reach Throgg's[1] Neck until the evening of the 14th. Finding this an impracticable landing-place, the British boats moved to Pell's Point, debarking on the 18th and marching toward New Rochelle. Washington was early advised of the enemy's movements, and divined their purpose. He decided to abandon his position at Harlem and, by occupying the right bank of the Bronx River, and moving parallel to the British column, to thwart their plans. At the same time he detached scouting parties to watch and worry Howe's troops, one of which, of seven hundred and fifty men, under General Glover, taking advantage of the rough country, abounding in stone fences, checked the enemy for some hours on his way to New Rochelle. Washington preëmpted a strong position at White Plains across the roads leading up the Hudson and to New England. On October 28 the two armies—each about thirteen thousand strong—stood face to face. The action which ensued was short, sharp, and creditable to the Americans. Avoiding a direct attack upon Washington's front, Howe sent four thousand men, in two columns, under Clinton and De Heister, to gain Chatterton Hill, a rocky eminence west of the Bronx River, near the village. In this the British were forestalled by General McDougall, who, with six hundred continentals, eight hundred militia and two guns under Captain Alexander Hamilton, gained the hill and handsomely resisted the enemy under a fire of thirty pieces of artillery.[3] Eventually Rahl's Hessians forded the Bronx lower down, and a combined assault compelled McDougall to fall back in good order upon White Plains, carrying with him his artillery and wounded. The casualties amounted on the American side to 130 killed and wounded and 30 (militia) missing; the British loss aggregated 231 killed and wounded. Washington now awaited another attack behind intrenchments made of the tops of corn turned inward and the roots, with adhering earth, outward.[4] The arrival of Lord Percy on the 30th, with reinforcements, rendered an attack

FORTY-SECOND HIGHLANDERS.[2]

1 A corruption of "Throckmorton's"; also called "Frog's Point."

2 This regiment was raised for the American war, and participated in the affair of Harlem Heights, September, 1776. After the peace it became the seventy-third regiment of foot.

3 See "Hist. Royal Regt. Artillery," Duncan.

4 General Heath's Memoirs. Boston, 1798.

probable; but a storm came up, and the Americans took advantage of it to retire to a much stronger position on the heights of New Castle, about five miles northwest of White Plains.

When General Washington withdrew with his main force to White Plains, he left behind him, in Fort Washington, about three thousand men, under Colonel Magaw. This work mounted eighteen guns, and is described as "a pentagonal, bastioned earthwork, without a keep, having a feeble profile and scarcely any ditch. In its vicinity were batteries, redoubts and intrenched lines."[1] The territory to be defended had a radius of nearly three miles. The main work was intended, in connection with Fort Constitution (Lee) on the opposite side of the Hudson, and certain obstructions in the channel, to guard the water communications, but so far had failed materially to interfere with the movements of hostile ships. General Greene was reluctant to abandon Fort Washington, and had confidence in the ability of its garrison to hold it.

WASHINGTON'S HEADQUARTERS, HARLEM.

General Howe, having failed in his flank movement against the mobile American army, turned his attention to Magaw's isolated post.[2] He moved with a part of his force to Dobbs Ferry on the Hudson, inducing Washington to think a crossing there was intended. A strong detachment of Americans was, therefore, thrown into New Jersey, and another marched to Peekskill. The British forces began to converge upon Fort Washington, and by the night of November 15 it was completely invested—Percy on the south, Knyphausen and Rahl on the north, Matthews, Cornwallis, and Stirling[3] on the east, while H. M. S. Pearl took up a coöperative position in the

1 Gen. Cullum, in "The Struggle for the Hudson." "Narrative and Critical History of America," Boston, 1888.

2 Although the British commander must have intended to attack Fort Washington immediately after White Plains, he was, doubtless, confirmed in his intention by information received from a deserter—Magaw's post-adjutant, William Demont. In a letter published by Mr. E. F. De Lancey (in Mag. Am. History, Feb., 1877), dated London, Jan. 16, 1792, Demont says: "On the 2d of Nov. 1776 I Sacrificed all I was Worth in the World to the Service of my King and Country and joined the then Lord Percy, brought in with me the Plans of Fort Washington, by which Plans that Fortress was taken by his Majesty's Troops the 16 instant, Together with 2700 Prisoners and Stores & Ammunition to the amount of 1800 Pound." This statement, if true, explains the promptness and precision of the British attack.

3 Colonel Stirling, B. A.

MAP
of
NEW YORK I.
with the adjacent Rocks
and other remarkable
Parts of
HELL-GATE.
By Thos. Kitchin Senr.
Hydrographer to his
Majesty
Ld. Barracks built for American Winter
Quarters, and burnt when the King's
Troops landed at Frogs Point.
NEW JERSEY
HUDSONS RIVER
NORTH or NEW YORK
EAST RIVER
WEST
CHESTER
COUNTY
Salt Meadows
Morrisena
Two Brothers
Buhanna or Buchannans I.
Part of the SOUND
Hallets Cove
Flushing Bay
Flushing
Newtown
LONG IS:
Bushwick
Hell Gate
Harlem Creek
Spiting Devil
Kings Bridge
Road to East Chester
Road to West Chester & Frogs Pt.
Bronx R.
Redoubt
Ft Lee
Ft Washington
Jeffs Hook
Batt
Snake Hill
Bloomingdale
Tavern
Horns Hook
Waltmag
Tuckle Creek
Hoboken
Hol-o-ken
Old Delancy
Kennedy
Paulus Hook
Oyster Bank
Bucking I.
Governors I.
Redlees or Kennedy's I.
Red Hook
Foundry
Mortier
L. Warren
L. Lippincott
Ship Yards
Fort
Mill
Brookland
Walabout Bay
Bedford
to Jamaica
British Statute Miles
40 Deg. 40 Min. N. Latitude
74° 6. W. Long. fr. Londn

river on the northwest. On the 15th a demand for surrender, with the formidable alternative of being "put to the sword," met with a dignified refusal. Magaw reported to Greene and Putnam, who visited him at this time, that his men were in good spirits and would make a good defense. On the next day (16th) a combined attack was made by Howe's forces, under cover of artillery fire from the east bank of the Harlem. Colonel Cadwallader, commanding the outworks on the south, beset in front and rear, was the first to succumb. Baxter was killed, and his detachment melted away before the Hessians on the north; and finally, after a gallant resistance against overwhelming numbers and a heavy artillery fire,[1] Magaw was obliged to surrender to Knyphausen on honorable terms. The British admitted a loss of five hundred killed and wounded; the American casualties were one hundred and fifty killed and wounded, two thousand six hundred and thirty-four taken prisoners, together with forty-three pieces of artillery.[2] Into British hands thus passed, for the time being, the whole of New-York island.

FORT LEE.

Before proceeding to matters immediately concerning the city at this time, a word of comment may be permitted. With Manhattan Island as the stage, the second act of a great drama had been played. The spectator could hardly realize the import of the performance. The actors were as unequal in strength as David and Goliath. Yet "all the world wondered" when the British commander lost three successive opportunities to crush or capture his antagonist, and it has never ceased to wonder at the patience, tact, and military ability that enabled the American general to gather, organize, and train

1 Major Duncan, in his "Hist. Royal Regt. Artillery," says thirty-four guns.

2 "George Selwyn, the other evening, in one of the polite gaming houses in London, hearing a young gentleman speaking with great animation of the miraculous escape of General Howe, who was said to have been patting Lord Percy's charger at the time the animal was shot under him, replied: 'You are right: and never was a more miraculous escape, or perhaps more temper shown upon any occasion than by the two general officers in that situation.' 'How was that? I did not hear anything about it.' 'No! Why it seems they were disputing about the age of the horse, and had made a bet upon it. Lord Percy said he was aged; Sir William said otherwise; and just as the latter was looking into his mouth to satisfy his doubts, a nine-pounder came from Fort Washington and severed the horse's head from his body; upon which Sir William Howe, with great composure, took up the head and showed his lordship the mark in his mouth. Lord Percy, instantly dismounting, paid him the money, and then, with the greatest intrepidity, led his brigade to the walls of the fort.'" "Middlesex Journal," January 2, 1777.

his ragged levies in the very face of the enemy, and, finally, to make a triumphal entry into the city from which he had been driven in the same month just seven years before. It is a well-established fact that the future of a great republic was probably assured by the result of the campaign of 1776, in and near the city of New-York.[1]

In the mean time the city had changed masters. The best account of what transpired in the early part of the new régime is that of the

THE VICINITY OF FORT WASHINGTON IN 1779.[3]

loyalist Moravian pastor Schaukirk.[2] He was the Samuel Pepys of New-York in the Revolution, and notes in his diary that on Sunday,

[1] Washington's own opinion was as follows: "We should on all occasions avoid a general action, nor put anything to the risk, unless compelled by a necessity into which we ought never to be drawn. The war should be defensive, a war of posts." Washington to Congress, Sept. 8, 1776.

In the "Middlesex Journal" of January 2, 1777, appeared the following lines, expressive of contemporary comment on the movements of the contending armies:

When Rome was urged by adverse fate,
On Cannae's evil day,
A Fabius saved the sinking state
By *caution* and *delay*.

"One only State!" reply'd a smart;
"Why talk of such a dunce?
When *Billy Howe*, by the same art,
Can save *Thirteen* at once."

[2] Ewald Gustav Schaukirk, born in 1725 at Stettin, Prussia, emigrated to America in 1774, and in the year following was appointed pastor of the Moravian Congregation, New-York. He was consecrated bishop in 1785, and died at Herrnhut, Saxony, in 1805.

[3] The above illustration furnishes a bird's-eye view or plan of the vicinity of Fort Washington, after it had been captured by the British and its name changed to Fort Knyphausen. The following key explains the figures: Nos. 1, 2, 3, Spuyten Duyvil; 4, 5, 6, 7, 8, American redoubt; A, North or Cox Hill and its redoubt; B, Palisades of the New Jersey shore; C, Charles redoubt; D, watch-house; E, once a bridge of boats; F, storehouses; G, upper Cortlandt house; H, lower Cortlandt house; I, Fort Independence; K, Emmerich's Chasseurs' encampment; L, farm-house; M, Queen's bridge; N, King's bridge (invisible); O, demolished house; Q, American redoubts; R, huts of the blacks; S, encampment of the seventeenth English regiment, taken prisoners; T, encampment of the body regiment; U, garden cut down for barricades; V, blockhouse; W, Laurel Hill; X, Holland's Ferry; Y, huts built by forty-fourth regiment English; Z, Hessian riflemen and chasseurs' encampment; a^1a, a^2a, a^3a, Fort Clinton, nearly erected in 1779.

September 15, "the King's flag was put up again in the fort and the Rebels' taken down; and, thus, the city was now delivered from those Usurpers who had oppressed it so long." The next day, "in the forenoon the first of the English troops came to town. They were drawn up in two lines in the Broadway; Governor Tryon and others of the officers were present and a great concourse of people. Joy and gladness seemed to appear in all countenances, and persons who had been strangers, one to the other, formerly, were now very sociable together and friendly. The first that was done was that all the houses of those who have had a part and a share in the Rebellion were marked as forfeited. Many, indeed, were marked by persons who had no order to do so; and did it, perhaps, to one or the other from some personal resentment."

Pulaski

A few days later (September 21) our Moravian chronicler writes that "in the first hour of the day, soon after midnight, the whole city was alarmed by a dreadful fire. It spread so violently that all what was done was but of little effect; if one was in one street and looked about, it broke out already again in another street above; and thus it raged all the night and till about noon. The wind was pretty high from southeast and drove the flames to the northwest. It broke out about White Hall; destroyed a part of Broad, Stone and Beaver streets, the Broadway and then the streets going to the North river and all along that river as far as the King's College. Great pains were taken to save Trinity Church, but in vain;[1] it was destroyed, as also the old Lutheran Church: and St. Paul's at the upper end of the Broadway escaped very narrowly. . . . There are great reasons to suspect that some wicked incendiaries had a hand in this dreadful fire, which has consumed the fourth part of the city: several persons have been apprehended. Moreover there were few hands of the inhabitants to assist; the bells being carried off, no timely alarm was

[1] "Long before the main fire reached Trinity Church, that large, ancient and venerable edifice was in flames which baffled every effort to suppress them. The steeple which was one hundred and forty feet high, the upper part, wood, and placed on an elevated situation resembled a vast pyramid of fire exhibiting a most grand and awful spectacle." Moore's Diary Am. Revolution.

given; the engines were out of order; the fire company broke; and, also, no proper order and directions: all which contributed to the spreading of the flames."[1] Four hundred and ninety-three houses were destroyed, and the place that knew them was a blackened ruin. The origin of the fire was never precisely ascertained. The British of course claimed that it was the result of "rebel" design. The propriety of making the city unavailable as quarters for the enemy had been a subject of discussion between Congress, the committee of safety, and the general-in-chief and his military advisers; but it had been decided

"TRIUMPHAL ENTRY OF THE ROYAL TROOPS INTO NEW-YORK."

to spare New-York, and the consensus of opinion seems to ascribe the beginning of the fire to accident, and its violence and extent to the want of a fire department, and to the opportunities afforded by the circumstances to irresponsible incendiaries.

While dense volumes of smoke yet ascended from the ruined city, another tragedy was being enacted within its limits. It was nothing unusual in war-time — merely the execution of a spy, the culmination of a drum-head trial and conviction. The scene had few wit-

[1] Another cause was the number of small wooden houses in the path of the flames. In 1761 the colonial authorities enacted that all buildings erected south of Duane street after 1766 should be of stone or brick; but the time extended to 1774.

nesses and lacked sensational features. And yet the case was similar to that which gained for a British spy world-wide commiseration and a monument in Westminster Abbey. The continental army had, as yet, no organized system for obtaining military intelligence: its recent reverse on Long Island was largely due to this deficiency. Washington determined to maintain the closest scrutiny of the enemy, and to this end caused the names of several persons to be sent to him. Among these was that of Nathan Hale of Connecticut, a captain in the picked corps of Knowlton's Rangers. Young, handsome, self-reliant, a graduate of Harvard and familiar with the country, he seemed an ideal scout. Disguised as a schoolmaster, Hale crossed

"REPRESENTATION OF THE TERRIBLE FIRE IN NEW-YORK."

over to Long Island, entered the British lines, and penetrated into the city. With valuable information as to numbers and positions of the enemy, he was about to return, when he was arrested on the shores of Huntington Bay by a patrol-boat from a British man-of-war. Instead of attempting a defense or explaining the papers found on his person, he frankly declared his rank in Washington's army, and the object of his visit to the British camp. If tradition and meager records are correct, the scene of his examination and sentence was the little greenhouse in the garden of the old Beekman mansion (on Fifty-second street, near First avenue), where Howe had fixed his headquarters. His fate was sealed. With unusual severity he was

deprived by the brutal provost-marshal, Cunningham, of all comforts, even of a bible or clergyman; a kind-hearted British officer eventually procured for him writing materials, with which he wrote a letter to his mother. He suffered death in the ignominious manner prescribed for his offense by military law and custom. Nothing, however, can obscure the memory of the heroism with which he met his fate. The spirit of the true soldier was expressed when he accepted the detail, in his remark that "every kind of service necessary to the public good became honorable by being necessary"; the soul of a martyr patriot inspired his last words: "I only regret that I have but one life to lose for my country."[1]

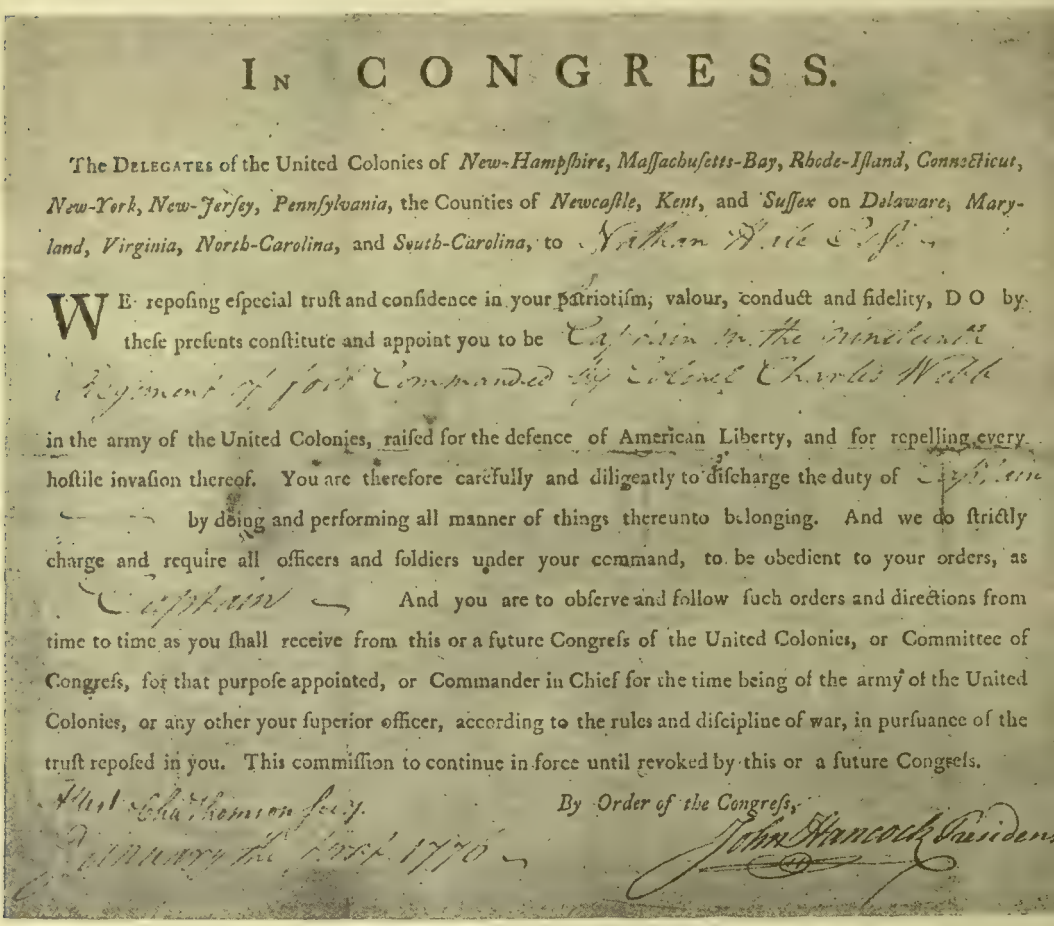
CAPTAIN NATHAN HALE.

The New-York of 1777 had but few of the attractions over which travelers in more quiet times were wont to wax eloquent. The mailed hand of war had been laid heavily upon it. Its beautiful groves had been cut down by the military sapper; its velvet lawns upturned for intrenchment purposes or indented by artillery-wheels; and its fairest and broadest avenue had been blackened and mutilated by the flames. But the foreigners who now elbowed the natives gave but little heed to such mournful sights. It was in keeping with the profession of arms, and they made the best of it.

The garrison comprised a brigade of foot (fourth, fifteenth, twenty-seventh, and forty-fifth regiments), a squadron of the seventeenth light dragoons, and three regiments of Hessians, all in the city proper. At Harlem there was a brigade of British foot (sixth, twenty-third, and forty-fourth regiments), together with a brigade of Hessians. The headquarters of the commandant, No. 1 Broadway, was daily the scene of military bustle. There might be found, arriving or departing, spruce aides-de-camp or grim old field-officers; "lounging about the entrance were well set-up orderlies in different costumes; the gunner in full dress, with his gold-laced cocked-hat with black feathers, his hair clubbed and powdered, white stock, white breeches,

[1] Captain Hale was executed in the Rutgers orchard on East Broadway. In 1886 the Sons of the Revolution initiated a movement to erect a statue. It is now cast in Paris, modeled by an American residing there, and is to arrive here some time during the present year. It was exhibited in the Salon of 1891, and received the gold medal. It is to be placed in the northwest corner of the City Hall Park. Unfortunately there is no portrait of Hale, and the above is taken from Karl Gerhardt's ideal bronze statue. EDITOR.

and white stockings, and armed with a carbine and a bayonet; or perhaps in the marvelous undress (invented by Colonel Cleaveland, R. A.) —a blue jacket and brown trowsers. Among the others is also to be seen an occasional negro, in no particular uniform at all, one of a com-



IN CONGRESS.

The DELEGATES of the United Colonies of *New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland, Connecticut, New-York, New-Jerſey, Pennſylvania*, the Counties of *Newcaſtle, Kent*, and *Suſſex* on *Delaware, Maryland, Virginia, North-Carolina*, and *South-Carolina*, to Nathan Hale Esq.

WE repoſing eſpecial truſt and confidence in your patriotiſm, valour, conduct and fidelity, DO by theſe preſents conſtitute and appoint you to be Captain in the Lieutenant Regiment of foot Commanded by Colonel Charles Webb in the army of the United Colonies, raiſed for the defence of American Liberty, and for repelling every hoſtile invaſion thereof. You are therefore carefully and diligently to diſcharge the duty of Captain by doing and performing all manner of things thereunto belonging. And we do ſtrictly charge and require all officers and ſoldiers under your command, to be obedient to your orders, as Captain And you are to obſerve and follow ſuch orders and directions from time to time as you ſhall receive from this or a future Congreſs of the United Colonies, or Committee of Congreſs, for that purpoſe appointed, or Commander in Chief for the time being of the army of the United Colonies, or any other your ſuperior officer, according to the rules and diſcipline of war, in purſuance of the truſt repoſed in you. This commiſſion to continue in force until revoked by this or a future Congreſs.

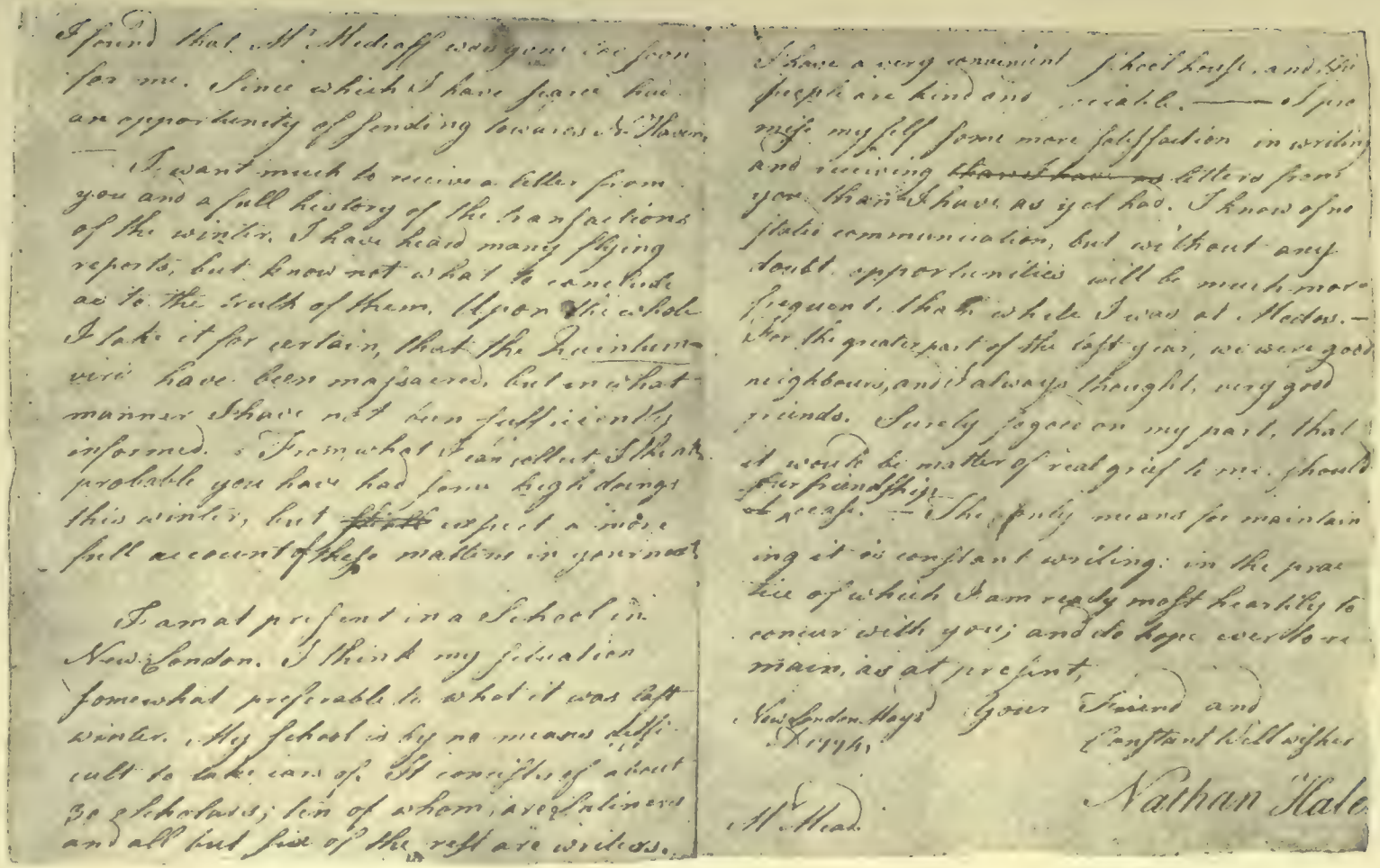
Witneſs Chas Thomſon Secy. By Order of the Congreſs,
January the 1st 1776 John Hancock President

CAPTAIN NATHAN HALE'S COMMISSION.[1]

pany of Virginian blacks enrolled for duty with the Artillery and in the Ordnance Yard."[2] A few natty-looking light dragoons led slowly, to and fro, along the sad-looking Bowling Green, the chargers of their officers. Perhaps the martial strains of a band came stealing down from the Mall where the daily guard-mounting was held. There the half camp, half garrison nature of the town was sharply illustrated.

[1] The commission of Captain Hale was purchased by Mitchell, an autograph dealer of New-York, in April, 1892, at an auction sale in Philadelphia, for $1775 (he should have bid an additional dollar and made it $1776), and at the same time he paid $1125 for a portion of the letter which appears in facsimile on the following page. Both documents have since been sold, at an advance, to a New-York collector. It may be added that, so far as known, but eight of Hale's letters have survived the flood of years. EDITOR.

[2] Major Duncan, in "History of the Royal Artillery."



I found that Mr Mickaff was gone from
for me. Since which I have scarce had
an opportunity of sending towards N. Haven.
— I want much to receive a letter from
you and a full history of the transactions
of the winter. I have heard many flying
reports, but know not what to conclude
as to the truth of them. Upon the whole
I take it for certain, that the Quinbum-
ville have been massacred. but in what
manner I have not been sufficiently
informed. From what I can collect I think
probable you have had some high doings
this winter, but ~~think~~ expect a more
full account of these matters in your next.

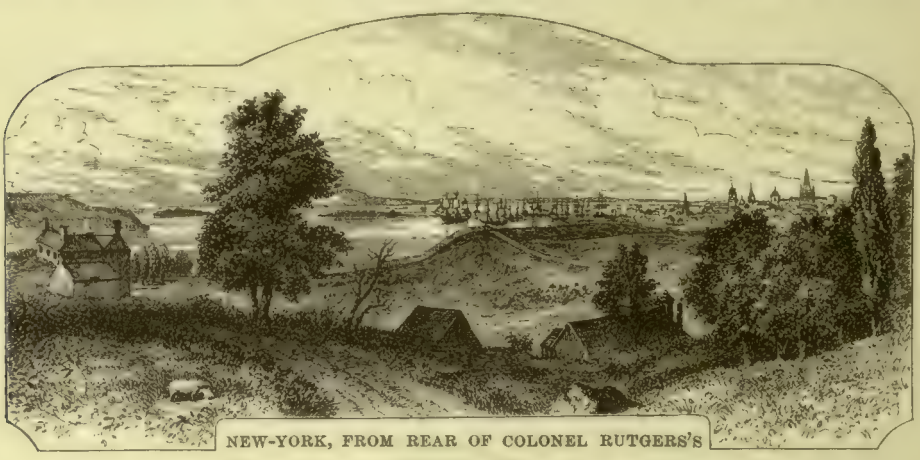
I am at present in a School in
New London. I think my situation
somewhat preferable to what it was last
winter. My School is by no means diffi-
cult to take care of. It consists of about
30 scholars; ten of whom, are Salisbury
and all but five of the rest are writers.
I have a very convenient School house, and the
people are kind and sociable. — I sup-
pose my self some more satisfaction in writing
and receiving ~~than I have~~ letters from
you, than I have as yet had. I know of no
stated communication, but without any
doubt opportunities will be much more
frequent, than while I was at Hadam. —
For the greater part of the last year, we were good
neighbours, and I always thought, very good
friends. Surely I gave on my part, that
it would be matter of real grief to me, should
our friendship
decrease. — The only means for maintain-
ing it is constant writing: in the prac-
tice of which I am ready most heartily to
concur with you; and do hope ever to re-
main, as at present,

New London May
Sixth,

Your Friend and
Constant well wisher
Nathan Hale

M. Mead.

For a background the ruined abbey-like walls of old Trinity rose majestically above the motley throng of soldiers and citizens drawn to witness the important ceremony. "Here might be seen the Hessian with his towering brass-fronted cap, mustachios colored with the same material that coloured his shoes, his hair plastered with tallow and flour, and tightly drawn into a long appendage reaching from the back of the head to his waist, his blue uniform almost covered by the broad belts sustaining his cartouch box, his brass-hilted sword and his bayonet; a yellow waistcoat with flaps and yellow breeches were met at the knees by black gaiters, and thus heavily equipped he stood



NEW-YORK, FROM REAR OF COLONEL RUTGERS'S HOUSE, 1776.

an automaton, and received the command or cane of the officer who inspected him. A contrast to the German was the Highlander, who, though loaded with weapons and accoutrements, appeared free and flowing in the contour of his figure. His low, checkered bonnet, his tartan or plaid, his short, red coat, his kilt leaving his knees exposed to the view and the winds, and his legs partly covered by the many coloured hose of his country. His musket, bayonet, broadsword, dirk and pistols showed a formidable array for the strife of blood, and the ornamental portion of his dress was completed by a pouch hanging in front of his kilt decorated with tassels. This costume was changed after the first or second campaign in a country whose temperature and warfare were both unsuited to it. These were the most striking and most contrasted costumes of the army of the King at this time, though we could perhaps describe graphically the gallant grenadiers of Anspach, with their towering black caps and sombre but military array; — the gaudy Waldeckers, their cocked hats edged with yellow scollops; the German Jägers, and the various corps of English in glittering and gallant pomp." [1]

[1] "History of the American Theatre." Dunlap, N. Y., 1832.

Within a space sacredly reserved for the principal officers of the garrison and their friends might often be seen the dignified form of Sir Henry Clinton, the jolly rotundity of Lord Cornwallis, or the wiry figure of honest General Pattison—"the Gunner who governed New York."[1] Again, there were visible the well-known faces of the Howes—the indolent soldier and the gallant sailor; the popular and gifted André; the amiable artilleryman Williams, bending in graceful devotion over the fair loyalists who usually mustered in force on fine days. But the guard is marching off to the main guard-house at the City Hall, in Wall street, and the spectators are dispersing. Stately burghers exchange snuff-box courtesies with pompous general officers; gay and youthful cavaliers attend their maidens fair on their shopping campaigns in Hanover Square, where in the early years of the war the richest stuffs and rarest trinkets were displayed. "Society" endeavored successfully to forget the troubles that distracted the country, and dinners, routs, and amateur theatricals were freely indulged in. Then, as often now, charity went hand in hand with pleasure. The "rebel Congress" had closed the little red theater in John street, the year before, with a view of improving the morals of the country, injuriously affected, as the staid Boston members thought, by "theatricals, cock-fighting, and horse-racing." It was reopened in January, 1777, as the "Theatre Royal," by the "Garrison Dramatic Club," composed of some of the brightest men in the British army. The surgeon-general of the forces, Doctor Beaumont, was manager and principal low-comedian; Major Williams of

UNIFORMS OF THE BRITISH ARMY, 1776–99.[2]

[1] As Major Duncan, R. A., calls him in Hist. Royal Regt. Artillery."

[2] "These figures represent his Majesty George III. in the dress of a general officer attended by an officer of heavy and light dragoons. The sentry presenting arms is a fusilier, whose dress is a scarlet coat, blue facings, white breeches and waistcoat, black gaiters up to the knees, a bearskin cap with a brass plate in front." "History of the Dress of the British Soldier," Lieutenant-Colonel John Luard, London, 1852.

the Royal Artillery was the star tragedian; Captain Oliver De Lancey was scene painter; Major Moncrieff of the Engineers made a capital *Othello;* Captains Loftus of the Guards, Braddon and Seix of the Foot, took lighter parts; some of the younger subalterns essayed female characters; while the versatile André wrote plays, painted scenes, or impersonated *Romeo* with equal ease and amiability. "The military Thespians began their transatlantic histrionic career in Boston as well as their less brilliant career of arms. As no theatre had been built in the town of Boston, some place admitting of the change must have been fitted up as such. The accomplished Burgoyne, who began as a dramatic author in 1775, by the 'Maid of the Oaks,' now produced his second drama in that stronghold of Puritanism and unconquerable liberty, and the 'Heiress' was preceded by a farce called the 'Blockade of Boston.' It is remembered that while the officers were performing Burgoyne's farce, an alarm was given that the rebels had assaulted the lines; and when a sergeant entered and announced the fact, the audience supposing his words 'The rebels have attacked the lines on the Neck,' belonged to the farce, applauded the very natural acting of the man,"[1] and were not undeceived until the commanding general, who was in the audience, rose and ordered all officers to their posts.

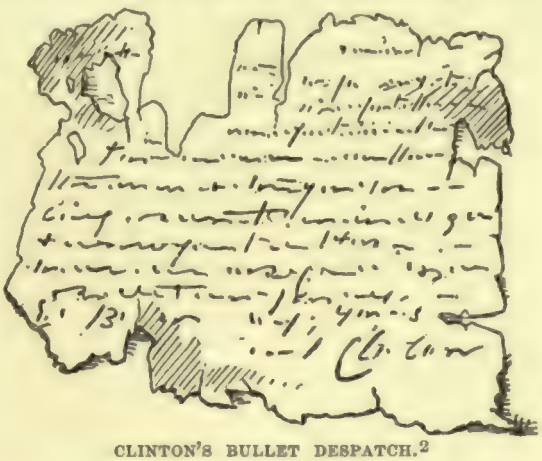
RUINS OF TRINITY, AND THE PROVINCE ARMS.

The theater in John street was of rude architecture, some sixty feet back from the sidewalk. There were two rows of boxes, which with the pit and gallery, when filled, yielded about eight hundred dollars a night.[2] The orchestra was unusually good, being made up of volunteers from the regimental bands. There were fourteen musicians at a dollar a night. The scenery was often poor, but the costumes were always handsome. The rules of the club were enforced with military precision. Not only were the seats required to be purchased before the evening of the performance, but patrons were compelled to send

1 Dunlap, Hist. Am. Theatre.

2 "In the first American play produced in New-York, and the first comedy by an American that was American in theme—'The Contrast,' by Judge Tyler of Vermont—the original *Jonathan* is made to describe the theater in New York at the time it was reopened after the Revolution. 'As I was looking here and there for it,' *Jonathan* says, 'I saw a great crowd of folks going into a long entry that had lanterns over the door, so I asked the man if that was the place they played hocus pocus? He was a very civil kind of a man, though he did speak like the Hessians; he lifted up his eyes and says: 'They play hocus pocus tricks enough there, Got knows, mine friend.' So I went right in and they showed me away clean up to the garret, just like a meeting-house gallery. And so I saw a power of topping folks, all sitting around in little cabins just like father's corncrib.'" "History American Theatre," Seilhamer, I. 212, Phila. 1888.

their servants at half-past four in the afternoon to keep their seats until the curtain rose at seven. Dunlap says: "It must have been a ludicrous sight during these two hours and a half — that dusky audience with nothing to hear, those crowded spectators with nothing to see." The proceeds, after deducting unavoidable expenses, were devoted to the relief of the soldiers' families. It is said the gross receipts of the club, in one year, amounted to nine thousand five hundred pounds.[1] The last performance was given June 11, 1781. The prologue for the play performed January 6, 1778, written, probably, by Captain Stanley, a member of the club, has the flavor of the period:

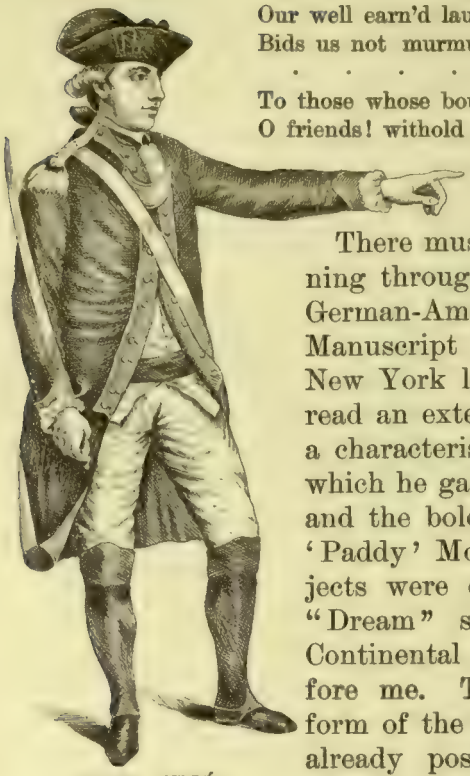


CLINTON'S BULLET DESPATCH.[2]

"Now that hoar winter o'er the frozen plain
Has spread the terrors of his dreary reign,
Has bade awhile the din of battle cease,
And mock these regions with the mask of peace,
Once more the Scenic Muse exerts her power,
And claims her portion of the leisure hour
To prompt the laugh, the brow of care to smooth
(And this sad land has cares enough to soothe),
To wake to pity, and, with soft control,
Melt into tender sympathy the soul;
Vice to discourage, or, with bolder aim,
Rouse to high deed and point the way to fame:
These are the ends which from the earliest age
Have been the boast and object of the stage.
We have a nobler purpose still in view,
A tribute to our fallen comrades due:
From us their helpless infants shall be fed,
And fainting misery receive its bread.
O Britons! (and your generous thirst of fame
Has fully prov'd you worthy of the name),
Tho' scowling faction's interested band
At home asperse us, and with envious hand

[1] Hist. Royal Regt. Artillery, Duncan.

[2] On the way up the Hudson River to effect that well-planned junction with General Burgoyne in 1777, which never took place, Sir Henry Clinton wrote a despatch on tissue paper, and inclosed it in a hollow silver bullet. The messenger, taken prisoner, swallowed the bullet, but was given an emetic. Thus the despatch came into the possession of Governor George Clinton. Its contents were as follows: "*Nous y voici* [Here I am] and nothing between me and Gates. I sincerely hope this little success of ours may facilitate your operations. In answer to your letter of September 28th by C. C., I shall only say I cannot presume to order, or even to advise, for reasons obvious. I wish you success.— H. CLINTON." The success referred to was the taking of Fort Constitution.



MAJOR ANDRÉ.

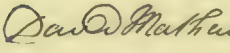
Our well earn'd laurels tear, the public weal
Bids us not murmur whatsoe'er we feel;
. . . . . .
To those whose bounty thus our toil repays,
O friends! withold not the full meed of praise!

There must have been a literary thread running through the social fabric of this Anglo-German-American garrison town, as the Elliot Manuscript states that "At Mr. Deane's in New York last evening (1779) Captain André read an extempore on Love and Fashion, and a characteristic 'Dream,' about the rebels, for which he gained much applause from 'the fair and the bold.' His allusions to 'Jacky' Jay, 'Paddy' McKean, and other rebellious subjects were excellent." An extract from the "Dream" sounds prophetic: — "The whole Continental Army now passed in review before me. They were forced to put on the form of the timid hare whose disposition they already possessed. With ears erect, they seemed watching the first appearance of danger and ready to fly even at the appearance of it. But what was very singular, a brass collar was affixed to the neck of one of their leaders, on which I saw distinctly the following lines:

"They win the fight, that win the race,

alluding to the maxim he had always pursued, of making a good and timely retreat." Other entertainments of a less intellectual character were bull-fights.[1]

The government of the city was vested in the military commandant, although there was a mayor, David Mathews,[2] and other inferior civil functionaries. The citizens were required to serve as a night-watch,



[1] The following advertisement appeared in "Rivington's Gazette": "This day being Wednesday, the 20th of June (1781) will be exhibited at Brooklyn ferry, A BULL BAITING, after the true English manner. Taurus will be brought to the ring at half-past three o'clock; some good dogs are already provided, but every assistance of that sort will be esteemed a favor. A dinner exactly British will be upon Loosley's table at eleven o'clock, after which there is not the least doubt but that the Song called 'O! the Roast Beef of Old England!' will be sung with harmony and glee."

[2] David Mathews was Mayor of New-York during the whole of the period that the British occupied the city. When Mayor Hicks resigned, Mathews represented the East ward as alderman, and he was at once invested with the chief magistracy by the military authorities. In the facsimile of the extra sheet of Gaine's "Gazette," on p. 553, will be found an order regarding the price of bread, and one regulating ferry rates signed by Mr. Mathews, as mayor, together with two other important officials.

Prologue on opening the
Theatre at New York Jan.y 1775
Spoken by Cap.n Brooke

Will somebody must foremost shew his face
Sure modesty's no virtue in this place† ;
And Bashfulness with Soldiers were disgrace
But soft, tis true you are a hardy band,
Gainst whose we players have to make our stand.
Too well accoutred for the dire assault.
Unerring Marksmen at an Actors fault.
Inclin'd as skilled to brandish Satires dart
Unarm'd we all appear in every part.
And least of all protected at the heart.

† Stage

Yet we have Ground, and Ground to be maintained;
Upon the Planks§ were pretty well sustained,
And let me tell you, twixt yourselves and me
That M.r Prompter is no bad Apprui.
Why should we fear the Foe in the Ravine†
We've upper Ground and Pallisades* between
And, Vivat Rex, none come behind the Scene.

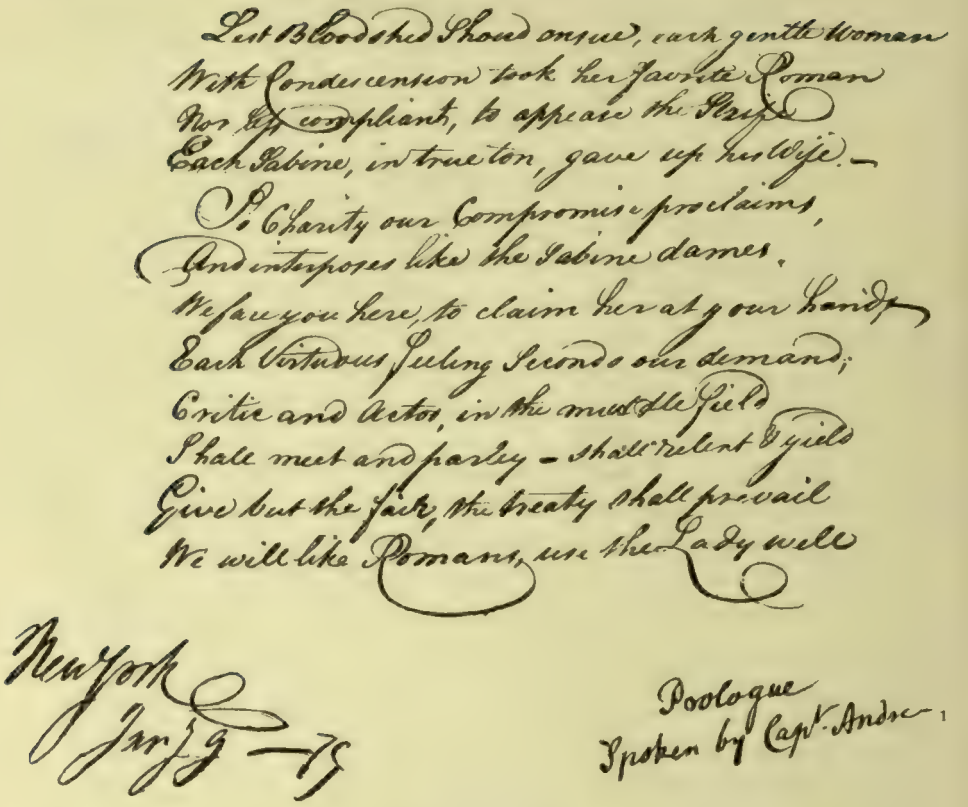
§ Gennah Boxes.
† Pitt,
* Orchestra

Nor trench'd thus, the Perils shall we prove
Of Missile Pippins from the Heights above
Should all this fail, We adepts in this Trade
Can foil you by, Manouvre Retrograde
Or Exit, Much prowess has been thus displayd.

Yet on the Cat all sounds the dread Alarm
Can nought arrest the Critics Vengeful Arm?
A plea we'll urge which Britons must admit.
One that shall silence all the Shafts of Wit.
Can Censure Raise a dart against our Scene?
When Charity extends her Hand between? —

Thus when on Latias Shore the Sabine host
(Twas thus the Fashion Waged for Spouses lost,

Left


Lest Bloodshed Should ensue, each gentle Woman
With Condescension took her favorite Roman
Nor Gift compliant, to appease the Fray
Each Sabine, in true ton, gave up his Wife.—
To Charity our Compromise proclaims,
And interposes like the Sabine dames.
We save you here, to claim her at your Hands
Each Virtuous Feeling Seconds our demands;
Critic and Actor, in the middle Field
Shall meet and parley — shall relent & yield
Give but the Sack, the Treaty shall prevail
We will like Romans, use the Lady well

New York
Jan 9 — 79

Poeologue
Spoken by Capt. Andre [1]

and were subject to twenty-four hours' imprisonment in the main guard-house or a fine of one dollar for each absence without permission. Chimneys were swept once a month. Every stranger was required to report his arrival at headquarters. Public houses were licensed on recommendation of principal officers of the army or navy, or of respectable citizens. Landlords were forbidden to harbor soldiers or sailors after 8 P. M., and fires and lights must be put out by 9 P. M. Prices were fixed for provisions; while the necessaries of life became scarce and dear, claret was cheap and plentiful, and Major Duncan says that "there are in the Royal Artillery Record Office, permit books of Gen. Pattison [then commandant] from which the filial affection of the subalterns in the garrison can be gauged by the amount of claret they received permission to send from New York to their anxious parents." At this time tea was eighteen shillings per

[1] Copied from the original in the possession of Thomas F. McKee, Esq., of this city, by whose permission it is here reproduced in fac-simile for the first time. It was read by Captain (soon after promoted Major) André on the reopening of the John Street Theater, Jan. 9, 1779. The plays were "Chrononhotonthologos," and "Taste." The *Queen, Maids of Honor,* and *Lady Pentweazle* were performed "by young ladies and grown gentlewomen who never appeared on any stage before." The night's receipts were £179 5s. 4d., disbursed as follows: "Paid 44 widows each 20s, together with 1 pr. shoes and 1 pr. stockings to 40 of the above. Paid 72 children 20s each and 16 orphans at 45s 4d each."

"Hist. Royal Regt. of Artillery."

pound.[1] General Pattison was probably the most popular commandant of all who performed that duty during the British occupation. He was a colonel in the royal artillery, and had served with distinction in Portugal, Flanders, and Venice. He is described by Duncan as "a wiry, muscular man of about fifty-four years of age; his staff were mere boys, and yet he outlived them both. The characteristic which struck everyone most was his courtly urbanity: every hat which was raised by passers-by was courteously acknowledged; and for everyone whom he knew there was a pleasant, kindly word." Notwithstanding the extraordinary inducements held out at that time, throughout Great Britain, to enter the army,[2] the supply threatened to run short of the demand. The Irish artillery was then a separate corps from the royal artillery, and naturally secured the best of the men recruited in Ireland; the remainder were assigned to the royal branch. In a letter from the commandant at New-York he said: "The drafts have arrived, four having deserted and one having died on the passage. I should not have been much afflicted if many of those who landed had saved me, either by death or desertion, the pain of looking at them, for such warriors of 5 feet 5½ inches I never saw raised before for the service of Artillery. I presume the reason why so few stand of arms accompanied them, was the consideration of these whippers-in, and postillions of fellows, being unable to bear them: but I must see how far the strength of these diminutive warriors is equal to carry *muskets cut down*, for

Major Andre

1 "Notwithstanding the war, New York is plentifully supplied from Long Island with provisions of all kinds. It must however be confessed, that almost every article bears an exorbitant price, when compared with that of former happy times. Both the north and east rivers abound with a great variety of excellent fish. Lobsters, of a prodigious size, were, till late caught in vast numbers, but it is a fact, surprising as it may appear, that, since the late incessant cannonading, they have entirely forsaken the coast, not one having been taken, or seen, since the commencement of hostilities." "Letters from America," W. Eddis: New-York, Aug. 16, 1777; London, 1792.

2 CORK, August 17, 1776.—"Yesterday, Major Boyle, representative in Parliament for Tralee (who is raising a body of men for his Majesty's Service), began recruiting here and met with great success, which is not surprising if we consider his connections and the uncommon support he has received from the noblemen and gentlemen of this province. His method of enlisting was as uncommon as it was pleasing to those who viewed the procession which was as follows: (1) Major Boyle bearing a large purse of gold. (2) Captain Cowley. (3) A great number of likely recruits. (4) An elegant band of music, consisting of French horns, hautboys, clarionets, and bassoons, playing 'God save the King.' (5) A large brewer's dray with five barrels of beer, the horse richly caparisoned and ornamented with ribbands. (6) Two draymen with cockades to serve the beer. (7) The Recruiting Sergeant. (8) Drums and Fifes. (9) Another division of recruits. (10) The Recruiting Soldiers. (11) Prodigious concourse of spectators." "N.Y. Gazetteer."

they shall never appear, while I command them, otherwise than as soldiers."

The particular "horror" of long-continued war is that of the military prison. At the close of 1776 nearly five thousand Americans[1] were confined in the "Jersey" Prison-ship, and the Brick, Middle Dutch, North Dutch, and French churches, Kings College, "the New Gaol," the Sugar-houses, and the City Hall. The New Gaol or the Provost (Hall of Records) was destined, says Pintard, "for the more notorious rebels civil, naval and military. One of the rooms was appropriated to officers and characters of superior rank, and was called Congress Hall. So closely were they packed that when they lay down at night to rest (when their bones ached) on the hard oak planks, and they wished to turn, it was, altogether, by word of command—'right'—'left'; being so wedged as to form almost a solid mass of human bodies. The Provost Marshal was Captain Cunningham, notorious for his cruelty to the prisoners-of-war under his charge. He was executed for forgery in London, August 10, 1791."[2]

Another fire occurred August 3, 1778, on Cruger's Wharf, and about fifty houses were destroyed. It was said the loss was increased by the ill-advised attempt of the British officers to direct the firemen. The citizens complained to the commandant, who thereupon issued

[1] RETURN OF THE PRISONERS TAKEN IN NEW-YORK, DURING 1776.

WHEN TAKEN.	WHERE.	COMMISSIONED OFFICERS, STAFF OFFICERS AND PRIVATES.															
		Generals.	Colonels.	Lt.-Colonels.	Majors.	Captains.	Lieutenants.	Ensigns.	Chaplains.	Quartermasters.	Adjutants.	Surgeons.	Commissaries.	Engineers.	Wagon Masters.	Volunteers.	Privates.	Wounded.
Aug. 27 ...	Long Island	2	3	4	2	18	43	11	3	..	1	3	..	..	..	3	1006	9 officers, 56 pvts.
Sept. 15 & 16 ...	York Island	..	1	2	1	1	7	..	..	..	..	..	..	..	..	..	354	
Oct. 12	White Plains	..	..	..	..	1	2	..	..	1	..	..	..	..	..	..	35	
Nov. 16 ...	Fort Washington ...	..	1	4	1	50	107	31	1	2	2	5	2	1	1	..	2637	6 officers, 53 pvts.
Nov. 18 ...	Fort Lee.....	..	..	..	..	..	1	1	..	1	..	3	..	..	..	..	99	
	Total	2	4	10	10	79	160	43	4	4	3	11	2	1	1	3	4131	

Copy.

CHATHAM, Jan. 30, 1777.—A true copy taken from the Commissary-General's and brought from York by Major Wells. P. S.—The original taken in New Jersey, sent to Governor Brooks.

[*Original, among Lieut.-Colonel Henshaw's papers.*]

[1] In his "last dying confession" he made the following statement: "I was appointed Provost Marshal to the Royal Army which placed me in a situation to wreak my vengeance on the Americans. I shudder to think of the murders I have been accessory to, both with and without orders from Government, especially while in New York, during which time there were more than two thousand prisoners starved in the churches, by stopping their rations which I sold. There were also two hundred and seventy-five American prisoners and obnoxious persons executed, which were thus conducted: a guard was despatched from the Provost about half-past twelve at night to the Barrack street and the neighborhood of the upper Barracks, to order the people to shut their window-shutters and put out their lights, forbidding them at the same time to look out of their windows and doors on pain of death; after which the unfortunate prisoners were conducted, gagged, just behind the upper barracks, and hung without ceremony and then buried by the black pioneer of the Provost."

an order forbidding military interference on such occasions. This, however, did not subdue the military ardor of those present at the burning (October 24, 1778) of the dwelling of Nicholas Stuyvesant in the Bowery. Colonel Munichausen of the Hessians exerted himself, together with his officers, in protecting the property, placing a guard at the disposal of the family for that purpose. The duello was in full force among the British; affairs were frequent and often serious. Such was the encounter, in a private room at Hull's Tavern, between Captain the Honorable J. Tollemache, of H. M. S. Zebra, and Captain Pennington of the Guards. They fought with swords. Pennington

"DEBARKATION OF THE ENGLISH TROOPS IN NEW-YORK."

had seven wounds, but recovered; Tollemache was thrust through the heart, and was buried the next day in Trinity churchyard.

Occasionally, "war's rude alarm" demanded more serious business of the troops stationed at New-York. The French fleet, under the Count D'Estaing, having arrived on the coast of Virginia early in July, 1778, in its search for the British ships, bore away for the harbor of New-York, and anchored off Sandy Hook about July 11. This was sufficient to create a sensation in the city and in the bay, where the British fleet was not so strong as it had been. But it was a false alarm, as the French admiral's objective proved to be Rhode Island. It happened that one of the most memorable winters in the city's history was that of 1779–80, when the Hudson was covered with

ice eighteen feet thick. The largest army, with the heaviest artillery and baggage, might have passed over the ice with ease, while the ships of war were frozen up in the bay and rendered useless for the time. The commanding general, Knyphausen, naturally feared that Washington would take advantage of the opportunity to attack the city, and the most extraordinary precautions were taken. Seconded by General Pattison, a levy *en masse* was made upon the inhabitants, who were armed, partially at their own expense and partially by the government.[1] In a few hours forty-three hundred citizens were mustered into service for the emergency; the seamen from the men-of-war were landed and added to the regular garrison: but the American army was not then in condition for any important aggressive movement. The severity of the weather continuing, the city began to suffer from scarcity of supplies, particularly of fuel; several old transports were broken up, and houses torn down to keep the troops and people from freezing.

The Baroness de Riedesel, who had accompanied her husband, the Hessian general, in his American campaign, was living at New-York during this severe winter. Although reared in luxury she was a soldier's wife, and endured privations with such fortitude as to win the admiration of all who saw her. The Beekman mansion,[2] which had been used by Sir Henry Clinton as a country house, was

1 VOLUNTEER FORCE (British Army) at New-York, February 19, 1780. *Old Companies:* New-York Rangers, 1 company, 107; N.Y. Highlanders, 1 co., 107; N. Y. Volunteers, 7 cos., 455. *New Associated Companies:* N. Y. Marine Artillery, 1 co., 98; Commissariat Loyal Volunteers, 2 cos., 107; Ordnance Volunteers, artificers, 1 co., 71; Ordnance Volunteers, seamen, 3 cos., 166; Engineer Volunteers, 1 co., 134; Quarter-Master General's Vols., 1 co., 56; Barrack Master General's Vols., 1 co., 91; King's Dock Yard Volunteers, 3 cos., 161; City Militia, 40 cos., 2662; Royal Navy, acting on shore, 355; Seamen from the transports, navy victuallers, small craft, New York pilots, and private ships, 1129—total 5796. N. B. A troop of 60 Light Cavalry, formed from the artillery horse department, to act as occasion may require, armed with sabres and pistols, and cloathed at their own expence, commanded by Captain Scott. N. Y. Marine Artillery formed from the Marine Society established by Royal Charter. (Signed) JA. PATTISON, M. G. Beatson's "Naval and Military Memoirs," London, 1804.

2 This stood, until 1874, near the foot of Fifty-second street, East River, and was erected, 1764, by Dr. James Beekman. Occupied, 1776, by General Howe; 1777, by Commissary Loring; 1778–1780, by Sir Henry Clinton; 1781, by Madame de Riedesel; 1782, by General Robertson, 1783, by General Carleton. In the greenhouse Nathan Hale was tried, September 21, 1776.

placed at her disposal. Her experiences at housekeeping give one a vivid picture of what is called an "an old-fashioned winter." In her "Journals" she says: "General Clinton's country seat, where we went with the children, was one mile from the town. It was beautifully situated, and the house also would have been quite to my taste had it not been for the season. This was a summer residence, and as we went there in December we suffered much from the cold. The inoculation of my children, however, succeeded, and when the danger of infection in the city was over we prepared ourselves to return, and sent before us the cook and the servants, with directions to make everything ready for our arrival on the following day; but during the night we had a dreadful storm, which endangered our house and, indeed, threw down part of the balustrade, which fell with a terrible crash. On awakening the next morning, we found ourselves shut up by the snow; and in some places, where the wind had thrown it together in large drifts, it was eight feet deep. We could not think of leaving the place except in sledges. We had a difficult task to provide for our dinner. An old white fowl, which had fortunately escaped the cook's notice, furnished us with a broth, which, with a few potatoes the gardener gave us, served for the dinner of more than fourteen persons. In the afternoon, while I was standing in a melancholy mood near the window, pondering upon the difficulty of extricating ourselves from our present perplexities, I saw my cook

arrive on horseback. I immediately turned round toward the company, and joyfully told them that we should soon be relieved. But when I looked out again the cook had disappeared. The gentlemen who were with me, in great alarm, ran to see what had become of him, and found him and his horse sunk deep in the snow."[1]

De Riedesel
née De Massow

Madame de Riedesel was treated with great consideration by the British officers during her stay in the city from 1780 to 1781. They made her the representative of the queen on the occasion of the birthday ball, and "one day, when the British officers had dined with us, my husband told them that he would accompany them to their camp, upon which they begged me to do them the same honor. I got into my carriage, and reached the camp before them. But I can hardly believe that they had not given the other officers notice of my visit, for scarcely had I reached the place when one of them came to my carriage, handed me out, and begged me to walk with him along the line. To my utter confusion, I was greeted with all the military honors; and when I observed to the officer that German ladies were not accustomed to such distinctions, he gallantly replied that this was merely the due of the wife of an excellent general, and that nobody in his corps had forgotten how kind I had been to their brethren at Saratoga." We owe to this lady also an account of her generous reception by Gen. Schuyler at Albany.

Benedict Arnold, the fugitive traitor, was received by the British commander-in-chief at New-York, and was promptly paid the price of his treachery — a commission of brigadier-general. Quarters were assigned him in the Watts house, 3 Broadway, from which he issued proclamations offering military preferment to all continental officers and men who might desert their colors and join the provisional corps which he was authorized to raise for the king's service. Immediately after Arnold's flight from West Point, General Washington became anxious to learn how far the poison of disaffection had entered the American military system. To this end he consulted Lieutenant-Colonel Henry Lee, commanding "Lee's Legion," and a plan was

1 "Letters and Journals," by Madame de Riedesel, New-York, 1827.

matured by which the delicate duty of entering the British lines, probing the rumors concerning disaffection, and capturing General Arnold was intrusted to Sergeant-Major John Champe of Lee's command. With Arnold in his power, General Washington felt that it might be possible to make a salutary example by the punishment of the chief offender.

Champe was a very promising non-commissioned officer, and an aspirant for a commission. After some hesitation he yielded to the solicitations of his commanding officer, and agreed to undertake the hazardous and delicate service. His romantic adventure is worthy of more space than is here available. His plan involved apparent desertion, and was only known to Lee and the commander-in-chief. Late one afternoon he took his horse from the picket-line, mounted, and dashed down the road to Bergen. Just outside the American lines he narrowly escaped a patrol returning to camp. They reported the incident, and the absence of Champe and his horse was discovered. Lee managed to delay the pursuit of the supposed deserter for more than an hour, but fleet horses brought his indignant comrades in sight of the sergeant-major, near Elizabethtown Point, just as he plunged into the river. He succeeded in attracting the attention of British patrol-boats near the bank. They covered the retreat of the deserter by firing at his pursuers and taking him into one of their boats. The mounted detachment secured Champe's horse, with which they returned to camp. Champe was taken before Sir Henry Clinton, where he made a favorable impression, and was ultimately enlisted by Arnold as a recruiting-sergeant. In a few days he was able to send word, by one of Washington's secret agents, that his fears as to serious disaffection were groundless. Champe was not so fortunate in executing the remainder of his instructions. He had arranged with a confederate to seize Arnold in the garden attached to his quarters, carry him as a drunken soldier to a boat, cross to the Jersey shore, and deliver him to a party from his old corps, who were to await him at "Hobuck." Unfortunately, however, on the day fixed for

BEEKMAN MANSION.

the exploit, Arnold changed his headquarters, Champe's new corps was sent on board a vessel about to sail for the south, and the plot failed. Subsequently, Champe came back to the "Legion," was received with honor by Lee and was recompensed by Washington, who gave him an honorable discharge, fearing for his safety if he again fell into the enemy's hands. In after years, when hostilities were threatened by the French, Washington desired to commission Champe as a captain, but learned of his death.

B. Arnold M. Gen.

Once or twice a year, on the anniversary of the birth of the king or queen, or after one of the occasional successes of the British arms, balls, banquets, and pyrotechnics, preceded by a parade of the troops in the vicinity, and salutes from the men-of-war in the harbor were indulged in. On the occasion of the queen's birthday, January 18, 1778, there was an illumination of the King's Head Tavern with two hundred wax-lights; on the next year's anniversary, remarks Pastor Schaukirk, "the gentry had great festivities, which were carried too far in expense in such time of distress and calamity. It is said that the ball cost above two thousand Guineas and they had over three hundred dishes for supper." May 29, 1780, news of the surrender of Charleston was brought by the Iris, and the next week there were fireworks on Long Island in the evening, and the Mall was temporarily enlarged for the accommodation of guests invited to view the display. The arrangements did not meet with the approval of our Moravian Pepys. His animadversions seem deserved.[1] A particu-

[1] Pastor Schaukirk says "The walk at Trinity Church had been increased in width so that the posts had to be sunk into the graves. The orchestra from the Play House were seated against the Church and another place for the musicians erected just opposite the Church gave great of-

larly elaborate celebration was that of September 22, 1780, in which were combined the festivities incident to a coronation-day and a victory. The chronicler continues, thus: "It being the anniversary of His Majesty's, our dear King's Coronation-Day, great rejoicings were made. Besides the usual firing at noon from the Battery, also at one o'clock from the ships in the river, and at the Watering Place, in the afternoon all the City Militia, to a very great number, the volunteer companies, and a part of the regulars, marched with flying colors out of town and drew up in line from the East river to the North river; and in the evening a Feu de Joie was fired in respect to

ESCAPE OF SERGEANT CHAMPE.

the day and in celebration of the brilliant victory obtained by Earl Cornwallis, near Camden, in South Carolina. It was commenced by seven rockets, seven guns were then fired from the three batteries on Jones's, Bunker's and Lispenard's Hills. Then followed the fire of the Line from right to left. The Commander-in-Chief, the noble Lords lately arrived with Admiral Rodney, the Governor, all the generals and other officers, with a large concourse of people were present." In September, 1781, the visit of Prince William, serving on board the squadron of Admiral Digby, caused a flutter and more festivities. On the first Sunday after his arrival he attended service at St. Paul's. The vigilant Schaukirk mentions that among His Royal Highness's suite was Sir Henry Clinton: "it is said this was the first time the latter has been in a church." Some time afterward the future hero of Trafalgar visited the city.

fence and uneasiness to all serious, and still more to all godly, men and caused many reflections not only on the irreligious turn of the Commandant but also on the Rector, who it is said had given his consent to it. Profaneness and Wickedness prevaileth — Lord have mercy!" "Pennsylvania Magazine."

Loyalty was not confined to the men. In Rivington's "Gazette" of January 16, 1779, appears a notice to the effect that a number of loyal ladies residing in New-York proposed to subscribe a liberal sum for the purpose of fitting out a formidable, fast-sailing privateer to be called the Fair American. This it seems was an imitation of a similar enterprise initiated by some of the ladies of the court, and drew from the newspaper poet a production from which we quote:

> Since you adopt our Royal Charlotte's plans,
> Who to her sex a bright example stands;
> Assured be, that every honest man
> Will idolize the Fair American.

We need go no further than the Moravian chronicle to note the waning of "loyalty" among many thoughtful and disinterested New Yorkers. Perhaps the increasing aggressiveness of Washington's army, and the corresponding depression of the king's men, had something to do with it. On August 19, 1779, it appears that "the rebels made an attack on Powles Hook. The reports vary, but they have again taken some of our people prisoners.[1] Another instance of the great carelessness on our side, when on the other hand the military gentlemen amuse themselves with trifles and diversions. Recently the walk by the ruins of Trinity Church and its graveyard has been railed in and painted green; benches placed there and many lamps fixed in the trees, for gentlemen and ladies to walk and sit there in the evening. A band plays while the commander is present, and a sentry is placed there that none of the common people may intrude. A paltry affair! A house opposite is adapted to accommodate the ladies or officers' women, while many honest people, both of the inhabitants and Refugees, cannot get a house or lodging to live in or get

1 "Light Horse Harry" Lee's brilliant dash on the British post there.

2 The young Duke of Clarence, afterward King of Great Britain, who now and then came in his midshipman's roundabout to Tarleton's quarters to dine, and who lived with Admiral Digby in the Old Beekman House, in Hanover Square, was one of his (Fitz-Greene Halleck's father's) distinguished friends, and many a skating bout did the Duchess County boy have with the young duke on the Collect, where the Tombs now stands, and on one occasion saved him from a watery grave, by helping his royal highness out of a hole in the ice through which he had fallen. Wilson's "Life of Halleck," New-York, 1869.

their living. Such things make us sigh to the Lord that he would have mercy on this land and make an end of these calamities and the many iniquitous practices." Again, turning to Rivington's "Gazette," in October, 1781, we learn of an event of especial interest and importance to the city. The editor, in one of the numbers issued in that month, congratulates the public upon "the King's gracious restoration of those important records which General Tryon's care and vigilance secured on board the Duchess of Gordon, in November, 1775," when,

"ARRIVAL OF PRINCE WILLIAM HENRY IN NEW-YORK."

it may be remembered, he requested the committee of safety to permit him to move his *personal* effects from the city.[1]

The surrender of Cornwallis, October 19, 1781, marked the beginning of negotiations for peace. These were greatly protracted, through the diplomatic wiles of the French minister, Vergennes, but on September 5, 1783, John Adams wrote that "on Wednesday the 3d day of this month, the American ministers met the British minister

1 "General Tryon caused such of the books to be selected as put it out of the power of almost every landholder without recourse to them to give evidence in a court of law, of the title to his estate: and these were brought off in strong boxes under locks and seals. They were carried home to England in 1778, and lately sent back in one of the King's ships to their ancient deposit. The residue or general run of papers, are among the rebels, having been first conveyed by order of the provincial Congress to Kingston in Ulster County. Mr. Bayard, the deputy secretary, was with them, and watched over them till the violence of the time wrested them from his hands and consigned them to others above three years ago: since which, they have been exposed to a perilous transportation from one place to another in carts." Rivington's "Gazette," October 3, 1781.

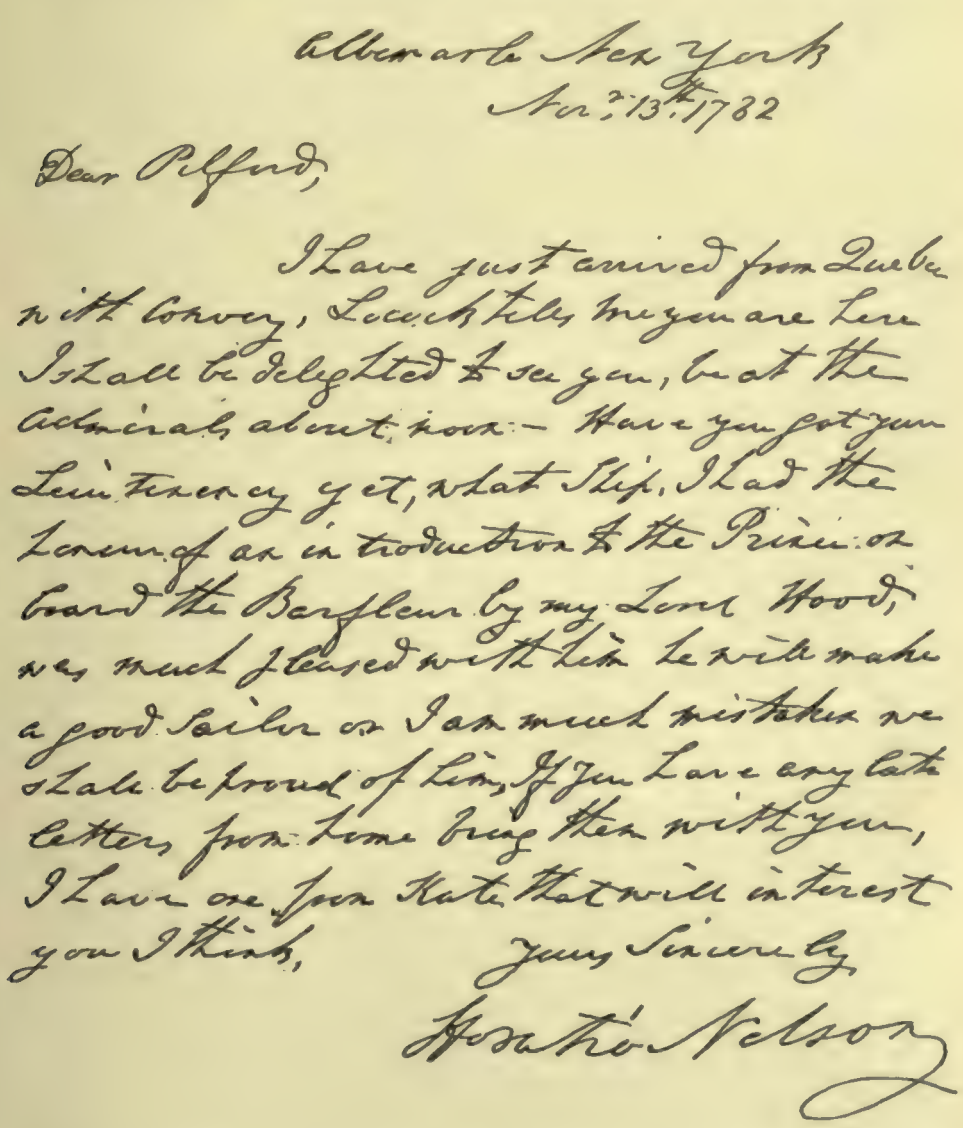
at his lodgings at the Hotel de York and signed, sealed and delivered the definitive treaty of peace between the United States of America and the King of Great Britain." On October 18 Congress announced the event to the public, and on November 2 it was promulgated to the army by General Washington from his headquarters at Rocky Hill, near Princeton, N. J. On the 25th of the same month the British troops, after an occupation of more than seven years, were to withdraw from the last stronghold of monarchy in the young Republic.

ADMIRAL NELSON.

As soon as preparations for the evacuation began, the loyalists found themselves in no enviable situation. They had the option of remaining in the country and suffering much inconvenience at the hands of returning patriots, or of emigrating to the British North American possessions. The majority availed themselves of free transportation and the aid of the king to begin a new life in Nova Scotia. At the same time many exiles from New-York took advantage of the cessation of hostilities to visit the city. One of them writes, under date of August 30, 1783: "This month completes seven years my family and self have lived in a state of exile from our wonted habitation in New York. I was lately over at New York, and though I did not meet with any considerable personal insult, I had the mortification to see some overgrown Tories whose looks I did not altogether approve of. As to the British they are tolerably civil and polite, and though there are sentries placed at almost every hundred yards distance they molest no one who behaves himself with propriety. The poor Hessians will soon be all embarked and gone; in general they have been very inclinable to desert. The firewood to the amount of several thousand cords laid in by the British army since last Spring at the expense of 50*s.* and 3*p.* a cord, is now selling at 25*s.* and 28*s.* per cord. I met with some of my old acquaintances, who were some of them formerly very fat, stout men, that are now reduced to mere skeletons at the prospect of leaving this place with the army. There is no end to auctions and vendues: everything is selling off and I believe a great deal more than venders can make a good title for. Few or no negro slaves are given up. My chief errand to town was to look up one of mine, and I saw the rogue but found that he had formed such con-

nections with a certain great personage that I could no longer look upon him as my own. He told me he was going to 'Novy Koshee.'"

Another letter, dated New-York, September 9, 1783, says: "No news here but that of evacuation. This is hourly talked of and occa-



Albemarle New York
Nov.r 13.th 1782

Dear Pilford,

I have just arrived from Quebec with Convoy, Locusts tells me you are here I shall be delighted to see you, be at the Admirals about noon:— Have you got your Lieutenancy yet, what Ship, I had the honour of an introduction to the Prince on board the Barfleur by my Lord Hood, was much pleased with him he will make a good Sailor or I am much mistaken we shall be found of him, If you have any late Letters from home bring them with you, I have one from Kate that will interest you I think,

Yours Sincerely

Horatio Nelson

sions a variety of physiognomic, laughable appearances—some look smiling, others melancholy, a third class mad. . . . Tories are vexed with Tories; they curse the powers to whom they owe allegiance and thus render themselves rebellious; they profess wonderful concern

Monday, July 9, 1781. THE [No. 1551]

NEW-YORK GAZETTE: AND WEEKLY MERCURY.

Containing the earliest Advices Foreign and Domestick

PRINTED BY HUGH GAINE, AT THE BIBLE AND CROWN, IN HANOVER-SQUARE.

ASSIZE of BREAD.

FLOUR at 4l. per Cent.
Published September 29, 1780.

A White LOAF, of the finest FLOUR, to weigh 1lb. for 16 Coppers.

HIGH-WATER at NEW-YORK, THIS WEEK.

Monday,	8 Min. after 12	Friday,	55 Min. after 3
Tuesday,	59 Min. after 12	Saturday,	35 Min. after 3
Wednesday,	57 Min. after 1	Sunday,	17 Min. after 4
Thursday,	16 Min. after 1	Full Quarter the 13th.	

PRICE CURRENT, in NEW-YORK.

Wheat per Bushel,	16s.	Molasses per Gall.	5l. 10s.
Flour,	70s.	Beer per Butt,	9l. 0s.
Brown Bread,	7os.	Single refin'd ditto,	1s. 6d.
West-India Rum,	3s.	Muscovado Sugar,	3s. 0d.
New-England do.	4s. 0d.	Pork,	8l. 10s.
Molasses,	1s.	Indian Corn per Bu.	10s. 0d.
Coffee,			1s. 6d.
Chocolate,			16s. per Do.

By His EXCELLENCY
SIR HENRY CLINTON,

Knight of the Most Honourable Order of the BATH, General and Commander in Chief of all his Majesty's Forces within the Colonies lying on the Atlantic Ocean from Nova-Scotia to West-Florida, inclusive, &c. &c.

PROCLAMATION.

WHEREAS there are several Deserters from the British and Foreign Troops under my Command, who are serving with the Enemy, or are concealed in the Rebel Country: I have thought fit to issue this my Proclamation, offering a free and unlimited Pardon to all such Deserters, who shall surrender themselves to any of his Majesty's Troops before the 6th Day of June next.

And whereas there are many of his Majesty's European Subjects at this Time serving in the Rebel Army against their King and Country, who, flung with Remorse, and sensible of the Enormousness of such an unnatural Proceeding, would be anxious to return to their Allegiance, did not their Demerits, before their Arrival in America, make them doubtful of meeting with Protection and Support within these Lines. I do therefore hereby promise to all such who shall come in before the above-mentioned first Day of June 1781, in addition to the Benefit, Protection and Support, to which they would be entitled under any other Proclamations, to procure for them his Majesty's most gracious Pardon, for all Felonies and Treasons (Murder excepted) which they have heretofore been guilty of, provided they will take up Arms in his Service, and give their Assistance to the quelling this unnatural Rebellion against his Government.

Given under my Hand at Head Quarters, in New-York, the tenth Day of April, 1781.

H. CLINTON.

By his Excellency's Command,
JOHN SMITH.

General Pardon.

Se. Excellentz Heern WILHELM Von KNYPHAUSEN, General Leutenants und Commandeurs en Chef der in Nordamerika stehenden Brittischen Deutschen Bölckeren Auxiliair Corps Für Dien, Hessischer Trouppen, Ritters deren Foerstlich Hessischen Ordens, etc. etc. etc.

ALLEN und Jeden von denen Foerstlich Hessischen Trouppen in Nord-Amerika desertirten, Unter-officieren und Gemeinen so entweder bey denen

TO be LETT for twenty one years from the 25th March last, a LOT of ungranted lands of good land, of which position will immediately be given, five miles near Greenwich on the island of New York, wherein is a remarkable fine spring of water. Two acres of this lot are already fenced in, and the rest may easily be inclosed. Also two lots of land on the south side of Cortlandt-street, near the King's mock yards to be let for the same term. Proposals in writing will be received by John Kelly No. 53. Hanover Square, which empowered to treat the same. As an preference is promised, the highest bidder will be preferred.

JOHN PELL,
At No. 131. Queen-street, near Rutgers's-Slip,
HAS FOR SALE,
By the last vessels from England and Ireland,
A Quantity of new mess PORK, and
BEEF in tierces, barrels and half barrels,
Pitch, superfine flour,
Mould and dip candles,
Red herrings, in barrels and half barrels,
English and American hams,
White wine vinegar,
Pipe tongues in kegs,
Neats ditto,
Loaf, powder and brown sugar,
Turpentine and Castile soap,
Gloucester and Cheshire cheese,
Cables in barrels,
Green and Robea nuts,
Black pepper,
Playing cards,
Oznaburgs,
Cayenne,
Cordials,
Wines,
Also a quantity of EXCELLENT
New ROSE BUTTER.
ALEXANDER and MILLER,
HAVE FOR SALE,
OLD MADEIRA WINE in pipes.
D. Lisbon in Do.
Port Do.
Do. Cont'a brandy in Do.
Bottled porter in cases of eight dozen each,

JOHN HOULROYD,
FORMERLY innkeeper at the THREE TUNS,
Hempstead Plains, returns his sincere thanks to the gentlemen of the Army and Navy, and the Publick in general, for their past favours, and begs leave to inform them, that he has opened a house at Flushing for their reception, where the Public in general will meet with good accommodations both for man and horse, at the Sign of the QUEEN'S HEAD, by the Publick's humble servant,
JOHN HOULROYD.

A remarkable Cure performed by Monsieur Deops authenticated by the Honourable George Armitage, Bart. of Kirklees-Hall, in the West Riding in the County York.

To Mr. NORTON, Surgeon, Golden-Square, London.

SIR,

Joseph Woomersley, a tenant of mine, 21 years of age, of the Parish of Clifton, had two ulcers upon his left hand, each as large as a crown piece running a years, another in about, five to six inches above his right knee, about the size of a crown piece, and one over his left eye, all equally as large; a contraction here with a violent inflammation which depressed him of the use of it; after taking two or three bottles the last month in the best manner, broke out into an ulcer and gave him the entire use of it, and in the time he had taken ten he was perfectly cured, and has remained well ever since. This cure was effected in the year 1775.

I am your most humble Servant,
GEORGE ARMITAGE.

Kirklees, 25th August, 1780.

These Drops entirely eradicate the leprosy, the fourpox, old Breeze ulcers, large blotches or boils, the evil, falcer, piles, pimples, faces, long continued inflammation of the eyes, &c. &c. &c. They purify the blood, cause your skin and complexion to look clear and beautiful, and all as a reflection on the most relaxed constitution. They may be taken in any season, without the least confinement, danger of catching cold, or hindrance of business; the

His most Serene Highness the Landgrave of Hesse has been pleased to confer the order of

Pour le VERTU MILITAIRE,
Or,
ORDER of MERIT,
On the following Officers, viz.

Major General de Knoblauch,
Colonel de Seitz,
Colonel de Bunau,
Colonel de Wesserhagen,
Colonel de Romrod,
Colonel de Keudell,
Colonel de Cochenhausen.

Colonel Cochenhausen is appointed to the command of the regiment Prince Hereditaire,
Lieutenant-Colonel du Buy, is appointed Quarter-Master General.
Major Generals de Lolberg and de Bose, to be Lieutenant Generals.
Captain Von Altenbockum, of Gen. Loßberg, jun. to be Major of the said corps.

On Sunday night last about 30 rebels landed at the bottom of Cowneck, twenty of them marched about 4 miles to the House of Daniel Kissam, Esq. which they entered, and took off Major Kissam of Queen's county militia, his younger brother Benjamin Tredwell Kissam, and Thomas Pearsall, a refugee. Mr. Fitch, the commanding officer of the party, behaved with great civility to Mrs Kissam, not suffering his men to go into the room where he understood Mrs. Townshead, an old lady, mother to Judge Kissam, was in bed. The gleaner they carried off was but trifling. They also took away the horse Mr. Kissam rode, whom they found sleeping under a tree near where they landed. Judge Kissam and his son were absent from home at that time. The rebels made particular enquiry after them.

Extract of a letter from Charlestown, compared to the Rebel General Greene's sudden return back

about the new States, apprehensive we may in time get to wrestling with and boxing each other till the blood comes."[1]

The British military authorities took all possible precautions to have the articles of the treaty executed in good faith, especially with regard to carrying away slaves; and commanding officers of regiments about to embark were ordered "to take care that no officer under their command is permitted to sail who has not satisfied his creditors." All the prisoners of war were released from the jails and prison-ships and paroled. Fatigue-parties of soldiers were engaged

[1] The following from an influential loyalist to General Haldimand illustrates this state: "New York, August 8, 1783. Good Sir. The shocking alteration in this once happy Country and the good people of it since I had the honor of taking your Excellency by the hand last, owing to the wicked, infamous and unprovoked Rebellion; its not possible to commit to paper nor tongue to express — and the peace, as it is termed, worse than all, both for poor old England, as well as the King's Truly Loyal Friends in this Country. The Rebels — for I shall never call them anything else — have confiscated every shill'g of my valuable property in this Country and passed an Act of Attainder, against my person, so that I am now going off in a manner a beggar to my children and friends in old England — the reflection almost too shocking for Human Nature to bear, but such is mine and the hard Fate of many others. . . . (Signed) WILLIAM BAYARD."

The above is a fac-simile of a portion of the first page, from the original in possession of the Editor. The fac-simile on following page is copied from an extra sheet of the same journal. EDITOR.

MARIOT ARBUTHNOT, Esq;

Vice-Admiral of the Blue, and Commander in Chief of his Majesty's Ships and Vessels employed in North-America, &c. &c.

HAVING assumed the command of his Majesty's ships on this station, with the warmest inclination to give every proper Encouragement to the outfit of private ships and vessels of war, so long as their owners and commanders should keep themselves to the terms upon which it has been granted; the employing therein, such seamen, or sea-faring men, not having previously belonged to the navy, as might be released from captivity, and such of the colonists as might return to their allegiance, and be inclined to serve with them, I observe with concern, that notwithstanding the repeated publications of Sir George Collier, setting forth the great damage his Majesty's service has suffered from the various methods pursued, to entice seamen to desert from it: Low people are hired, public houses set up, and every attempt continued to be made to seduce them from their duty, insomuch that no boat can come on shore, but every art likely to prevail with them is practised, and too often with success.

As therefore all entreaties to forbear from these wicked and unlawful practices have proved vain; I do hereby declare, that in future for every seaman, or sea-faring man, that may desert from the King's ships or transports here, I will press man for man, out of the privateers and merchant vessels, and my determination is delivered thus publicly, that not only the merchants and adventurers interested in them, but also their crews may be warned against the harbouring deserters from the navy, in any circumstances or under any pretence whatsoever, by avoiding which, they will prevent any disagreeable consequences from ensuing to themselves.

Given on board his Majesty's ship the Ruffel, off New-York, September 14, 1779.

(Signed) M. ARBUTHNOT.

Command of the Admiral,

By WILLS. GORDON.

By Order of the Commandant.

THE Assize of Bread is to continue at Two Pounds each Loaf, but the Price of each Loaf to be *Fifteen Coppers*.

All other Regulations respecting Loaf and Ship Bread to continue as established the 7th of July, 1779, by Order of the Commandant.

ANDREW ELLIOT, Su. In. General.
D. MATHEWS, Mayor.
P. DUBOIS, Magistrate of Police.

Office of Police, 18th Feb. 1780.

To be Sold,

A Very good house in Chapel-street, adjoining the Estate of Mr. Totten, now in the Tenure of Mr. Thomas Knox, the house has five square rooms, and five fire places, and a good cellar, the lott is twenty-five feet wide, too deep, a good well and pump in the yard, a new brick smoke house, &c. the whole in good fence and good repair. Enquire of the Printer.

TO BE SOLD BY

James Stewart,

By wholesale and retail, at his Store, No. 955, Burling's-slip, opposite Rhinlander's china Store,

BLankets, 7-4 wide,
Ditto 6-4 ditto,
Mittings,
Duffils,
Mens ribb'd and plain knit worsted stockings,
Whole and half barrels beef, put up for family use,
Whole and half barrels pork, for family use,
Exceeding fine ox tongues in half kskins,
Loaf sugar,
Muscovado sugar,
Fine hyson and souchong teas,
Coffee,
Molasses,
Oil in casks or bottles.

By Permission of the Commandant.

TICKETS of a LOTTERY

FOR the benevolent purpose of giving comfort to the distressed at this rigorous season, are now for sale at Captain V. P. Ashfield's, at No. 492, Smith-Street; Mr. Laight, No. 190, Queen-Street, and Mr. D. Grim, No. 439, William-Street, who are appointed managers. Also of the several Printers.

SCHEME:

1 Prize of	1000 Dollars, is	1000
2 do.	500	1000
6 do.	200	1200
15 do.	100	1500
40 do.	50	2000
80 do.	20	1600
265 do.	10	2650
1075 do.	6	6450

1556 Prizes,
4484 Blanks.

6000 Tickets, at 5 Dollars each, are 18,000 Dollars.

Subject to a Deduction of 15 per cent.

The profits arising from the Lottery, will be paid to the Treasurer of the Overseers of the Poor.

CATHARINE BOWLES

BEGS Leave to acquaint the Publick, That she intends to open a School the first Day of April next, to teach Reading and Sewing.

By Order of the Commandant.

The following RATES are established for Ferriages, between this City and Brooklyn.

FOR transporting every person from the city of New-York, to Long-Island, or from Long-Island to New-York, 6d.

For every Horse or Beast, 1s.
For every live Calf, Hog, Sheep, or Lamb, 6d.
For every dead Calf, Hog, sheep, or Lamb, 6d.
For every Barrel of Rum, Sugar, Molasses, or other full Barrel, 1s. 6d.
For every empty Barrel, 6d.
For every pipe or Hogshead, 2s. 6d.
For every Bean's Hide, 6d.
For every undressed Calf, Sheep, or Doe-skin, 2d.
For every Pail of Butter, 4d.
For every Firkin or Tub of Butter, 9d.
For every Bushel of Salt, Wheat, Grain, Seeds, or any other thing sold by Bushel, 4d.
For every full Pipe or full Hogshead, 2s.
For every Board of one Inch, or one Inch and an Half, 1d.
For every Waggon, 8s.
For every Pair of Cart Wheels, 2s.
For every Cupboard, Press for Cloaths, or Writing Desk, 5s.
For every full Trunk or Chest, 2s. 6d.
For every empty Trunk or Chest, 1s.
For every full Barrel of Flour, or any other half Barrel, 6d.
For every Barrel of Bread, 1s.
For every Bag of Bread or Meal, 3d.
For every Gammon of Bacon, Turkey or Goose, 2d.
For every Dozen of Eggs, 2d.
For every Draught Fowl, Brant, Duck, Heath Hen, or Rabbit, 1d.
For every Dozen of Pigeons, Quails, Snipes, or any kind of smaller Birds, 2d.
For every Hundred Weight of Iron, Steel, Shot, Pewter or Lead, and of Iron, Copper or Brass Kettles, &c. 1s.
For every Hundred Weight of Gun Powder, 2s. 6d.
For every Seythe or Sith, 1d.
For every Firkin of Soap, 4d.
For every Cheese, 2d.
For every Corn Fan, 6d.
For every Hundred of Shingles, 1s. 6d.
For every Cedar Bolt, 3d.
For every common Rug of Cotton Wool, 2d.
For every Bale of Cotton Wool or Hops, 3s.
For every Coach, 20s.
For every Phaeton, 8s.
For every Chaise or Chair, 5s.
For every single Sleigh, 3s.
For every double Sleigh, 4s.
For every Piece of Oznabrigs, 9d.
For every Piece of Blankets or Duffils, 9s.
For every Piece of Cotton, Pennistone, Flannel or Frize, 6d.
For every Piece of Broad Cloth, Kersey, Strouds, Half shucks and Druggets, 6d.
For every Piece of Duroys, Callimancoes, Shalloons, or other Stuff, and for every Piece of Garlix, Holland or other Linen, 9d.
For every Hundred of Fish (called Sheeps-head) 4s.
For every Hundred of Bass or Shad, 2s.
For every Dozen of Perch, 2d.
For every Hundred Weight of Coppers, Allum or Brimstone, 1s.
For every half Dozen of Wool Cards, 2d.
For every Saddle without a Horse, 3d.
For every Cafe with Bottles, 6d.
For every Looking Glass to Two Feet high and upwards, 6d.
For every Hundred Weight of Rice, 4d.

Articles not enumerated in Proportion to their Bulk.

If any Ferryman shall ask, demand, or receive any more, or greater sum for Ferriage, than is directed to be taken by the aforegoing Rates, report thereof is to be made to the Officers of the Police, in order that the Offenders may be brought to punishment.

ANDREW ELLIOT, Superintendant Gen.
D. MATHEWS, Mayor.
PETER DUBOIS, Magistrate of Police.

Office of Police, Jan. 13th 1780.

Remsen & Cowenhoven,

At their STORE, No. 935, on WATER-STREET *the Corner opposite Mr Varnum's, between the Coffee House and Fly-Market, have for SALE on the lowest Terms, the following Articles:*

MADEIRA, Lisbon, Teneriffe, Sherry and Red Port Wines, by the pipe, quarter-cask or less quantity,
Brandy, genevá, by the case, do. by gallon,
Old Jamaica spirits, Old Antigua rum, common West-India do.
Molasses, Muscovado sugars, by the hogshead or less quantity, loaf and lump sugars,
Mould and dipped candles, white and brown soap,
Irish mess beef in barrels, and half barrels,
Nutmegs, cloves, mace and cinnamon,
Small or shidders,
Hyson and green teas, souchong and bohea ditto,
Chocolate and coffee,
Pepper and allspice,
London porter, bottled Taunton ale and Liverpool beer, Playing cards,
Roll and cut tobacco,
Poland starch,
Writing paper and sealing wax,
Double and single Glouscester cheese, best rose butter in firkins,
New-rice in tierces,
A few kentle of excellent codfish,
Wool cards by the dozen,
Indigo, copperas, and powder blue, Bird shot of different sizes.

COACHES.

Two elegant Coaches, as Watting Jobs, with able Horses and careful Drivers.

TO be hired to any Gentlemen, Ladies, &c. Also EXPRESS HORSES. by JOSEPH STEVENS,

Next Door to the Sugar-House, Crown-Street.

By JAMES PATTISON, Esq;

Mayor-General of his Majesty's Forces, Commandant of New-York, &c. &c. &c.

PROCLAMATION.

WHEREAS many Evils daily arise from the unlimited Number of Taverns and Publick Houses within this City and its Precincts: *I have therefore thought fit*, in Order to prevent the pernicious Effects thereof, to direct, that in future the Number of Licences for those who come under this Discription, be restricted to Two Hundred, and that they be granted to such House Keepers only, whose Characters are sufficiently vouched and approved by the Magistrates of Police.

And that no Inconvenencies may ensue from this Restriction: Notice is hereby given

That such Persons who propose retailing Spirituous Liquors, in smaller Quantities than Five Gallons, may apply to the Police for a Special Licence for that Purpose, provided the same be not drank within their own Houses, or sold in a less Quantity than a Quart.

Any Person detected in keeping a Tavern or Public House, or retailing Spirituous Liquors, in less Quantities than Five Gallons, without having obtained such Licence from the Police, or acting in any Manner contrary to the true Intent and Meaning of this Proclamation, and are to follow such Orders as they may receive from the Magistrates of Police, towards enforcing and carrying the same into Execution.

Given under my Hand in the City of New-York, the First Day of January, in the Year of our Lord, One Thousand Seven Hundred and Eighty, and in the Twentieth Year of his Majesty's Reign.

James Pattison.

By Command of the General,
JOHN L. C. ROOME, *Sec'ry.*

WHEREAS it has been represented to the Commandant, that sundry persons going out with Fowling-Pieces, have made a practice of shooting near high roads, and other places of public resort, thereby rendering it very unsafe for passengers and others frequenting the said roads; and that in consequence of such practice some fatal accidents have actually happened. The Commandant therefore judges it necessary for the public safety, to prohibit all such Fowling near the environs of the city, or within half a mile of any high road or public frequented foot path, as the offenders will be answerable for the consequences attending the disobedience of this order.

By Order of the Commandant,
S. PAYNE ADYE, Aide de Camp.

New-York, October 27, 1779.

IT is the Commandant's Order, That the Rents ordered by the Commander in Chief to be collected for the Use of the Poor, &c. due the first Instant, be immediately paid to JOHN SMYTH, the City Treasurer, and that in future those Rents be paid half yearly, without further Notice. Attendance will be given every Monday, Wednesday and Friday Mornings, in each Week, until 12 o'Clock at the Treasury in Pearl Street, to receive the same.

Office of Police, 13th Nov 1779. ANDREW ELLIOTT, D MATHEWS, PETER DUBOIS.

ONE KEG,

(Containing about 56 lb.)

Of BOWEN's

Patent SAGO POWDER,

For making Jelly,

To be SOLD reasonably, for CASH.

Enquire of the Printer

To be LET for such a term of years as shall be agreed upon.

SUNDRY Lots of very valuable LAND, situate at Greenwich, on the island of New-York, on both sides of the road leading from the Bowery to the North-River road, and on the eastward of the last mentioned road, opposite to the farms now occupied by Commissary Grant and Mr David Campbell, one lot of an acres thereof lies to the Northward of, and opposite to the ground occupied by Colonel Simcoe. Proposals in writing for the same, or any part thereof, will be received by the General De Lancey, at his Quarters on Long Island, or John Kelly, at No. 841, Hanover-Square, New-York, who has sundry houses, farms, and lots of ground to sell in Fee Simple, or Lease.

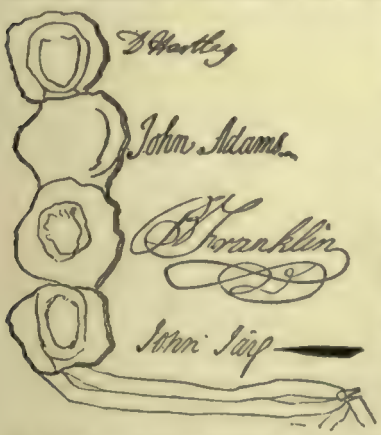
in restoring certain portions of Trinity churchyard to their original grade. All breaches of the peace by loyalists were promptly punished.

On November 12 Sir Guy Carleton, the British commander-in-chief, notified General Washington that he hoped to withdraw all his troops by the end of the month; that the outposts at and north of McGowan's Pass would be withdrawn by the 21st; those at Herricks and Hempstead on Long Island on the same day; the town of Brooklyn the following day; and Paulus Hook, Dennis', and Staten Island as soon after as practicable. On the 19th General Carleton wrote that the above arrangement would be modified so that New-York should be evacuated on the 25th instant at noon; retaining Staten Island, New Utrecht, and Dennis' "for such time as they may be found absolutely requisite for the troops that may then remain without transports." There were about six thousand five hundred Anglo-German troops remaining in the city and vicinity at this time; half of these were of the British royal artillery, seventeenth dragoons, light infantry, grenadiers, and seventh, twenty-second, twenty-third, thirty-eighth, fortieth, forty-third, seventy-sixth, and eightieth foot; the remainder were Hessians. Admiral Digby commanded the fleet, then in the harbor, and was charged with the duty of forwarding the refugees—of whom 29,244 left New-York during the year—to Nova Scotia and other points. The difficulty in procuring transportation for such a large number contributed to delay the final departure of the king's forces. On the side of the continental army there was much to do in the way of disbandment, but by the middle of November there remained of those veteran legions, who had elicited the encomiums of their captive enemy at Saratoga,[1] only a little band of scarce a thousand men.

1 "We passed the enemy's encampment in front of which all their regiments, as well as the artillery, were standing under arms. Not a man of them was regularly equipped. Each one had on the clothes which he was accustomed to wear in the field, the tavern, the church, and in everyday life. No fault, however, could be found with their military appearance, for they stood in an erect and a soldierly attitude. All their muskets had bayonets attached to them, and their riflemen had rifles. They remained so perfectly quiet that we were utterly astounded. Not one of them made any attempt to speak to the man at his side: and all the men who stood in array before us were so slender, fine looking, and sinewy, that it was a pleasure to look at them. Nor could we but won-

The curtain is now raised for the last act of the military drama of which the second act had been played on the same stage eight years before. On the 19th Generals Washington and Knox and Governor Clinton, with their respective staffs, arrived at Day's Tavern.[1] A small provisional brigade, of detachments from the troops encamped at West Point and Newburgh (Massachusetts infantry and New-York artillery together with a militia troop — in all about eight hundred men), under Brevet Brigadier-General Henry Jackson, had preceded the distinguished personages, and were in camp at McGowan's Pass (near the northeastern entrance of Central Park). A unique part of this command comprised four six-pounders, trophies taken from the enemy, and now displayed by the gallant Major Bauman.

THE AMERICAN PEACE COMMISSIONERS.[2]



It was some time after noon, on the memorable November 25, when a British staff-officer reported that the rear-guard of the British army was embarking at the Battery. The American column immediately moved on by the route selected.[3] Captain Stakes's troop furnished the advance-guard, while, in the order prescribed, followed the remainder of

der that Dame Nature had created such a handsome race! I am perfectly serious when I state that the men of English-America are far ahead of those in the greater portion of Europe both as regards their beauty and stature." Letter of Hessian officer captured at Saratoga, 1777 (Stone), New-York, 1891.

[1] Then near the corner of 125th street and Eighth Avenue.

[2] The full title of the above illustration is: "The United States Commissioners in 1782 to sign the Treaty of Independence." It is taken from an unfinished picture by Benjamin West. Besides the portraits of John Jay, John Adams, and Benjamin Franklin, there appear those of William Temple Franklin, the son of the latter, and Henry Laurens, who were both present at the signing.

[3] General Jackson's orders for the occasion were as follows: "McGowan's Pass, 24 Nov. '83. — The troops will cook one day's provisions this evening,

the provisional brigade. The troops marched with the easy swing of old campaigners, and although their uniforms were tarnished, of various hues and irregular pattern, yet their arms were bright and their faces shining with soldierly pride and recent ablutions; they represented, in a sense, the Old Guard of that patriot army which had won peace and prosperity. Down the Bowery, to Chatham, to Pearl (then Queen), to Wall street, through thousands of sympathetic and joyous people, the stalwart soldiers marched to their destination at Cape's Tavern.[1] Here the line was formed and stood at "parade rest," while the main guard marched down Broadway to Fort George, followed by an excited throng eager to witness the most interesting feature of the occasion.[2]

and be in perfect readiness to march to-morrow morning at 8 o'clock." "After Orders Nov. 24: Field officer-of-the-day, to-morrow—Col. Vose. The Light Infantry will furnish a company for main guard to-morrow. As soon as the troops are formed in the city, the main guard will be marched off to Fort George—on their taking possession an officer of Artillery will immediately hoist the American standard. The officer will then detach two pattrols, consisting of one Sub., one Sergt., two Corporals, and fifteen Privates each—one to pass from the North to the East River as far out as Maiden Lain, the other from North to East River from Maiden Lain upwards. On the Standard being hoisted in Fort George, the Artillery will fire thirteen rounds. After his Excellency Governor Clinton will be received on the right of the line. The officers will salute his Excellency as he passes them, and the Troops present their arms by Corps and the Drums beat march. After his Excellency is passed the line and alited at Cape's Tavern, the Artillery will fire thirteen rounds. In case of any disturbance the whole of the Patroles will instantly march out, preserve the peace, and apprehend and secure all offenders. For the greater security and good order of the city each Battalion will mount a Piquett at their Barracks, consisting of one entire company. They will lay on their arms and be in constant readiness during the twenty-four hours, to parade on the first alarm and wait the orders of the Officer of-the-day. On an alarm of fire all the officers and men on duty will immediately repair to their Barracks and parade without arms and wait the orders of the Commanding officers. The officer commanding patrols will march them in the most regular and silent order, both day and night, and will take up and confine in the main guard any violent and disorderly soldiers they may meet with. The Grand Parade will be near the Bridewell; the guards and patrols will march off the Grand Parade under the direction of the field officer-of-the-day.'

[1] Cape's Tavern was one of the most famous hostelries of colonial and Revolutionary times. It had been originally the old De Lancey mansion, built by Etienne De Lancey about 1700. It was of gray stone, two stories high; its windows, long and arched, opened to the floor; from its rear piazza the ground sloped to the shore of the Hudson, and afforded a view of the Orange Mountains and the palisades on the Jersey shore. From the cupola on the roof a still more extended prospect presented itself. In 1754 it was opened by Edward Willett as the "Province Arms." It became the headquarters for important social and official entertainments under a number of successors—Burns, Bolton, and Hull; it changed its name to "City Arms," was a great favorite with the British army and navy officers during the Revolution, and finally passed into the hands of John Cape, a patriotic Boniface, who took down the quaint old sign and hung out a new one bearing the State arms of New-York. The Boreel building now rears its lofty head upon the site of Cape's Tavern. (See "Old New-York Taverns," by John A. Stevens, Harper's Magazine, LXXX, p. 842.)

A young American lady, who for a year had been a resident of the city, wrote of the scenes of Evacuation Day: "The troops just leaving us were as if equipped for show, and with their scarlet uniforms and burnished arms, made a brilliant display; the troops that marched in, on the contrary, were ill clad and weather-beaten, and made a forlorn appearance; but then they were *our* troops, and as I looked at them, and thought upon all they had done and suffered for us, my heart and my eyes were full, and I admired and gloried in them the more because they were weather-beaten and forlorn."

By the KING.

A PROCLAMATION,

Declaring the Ceſſation of Arms, as well by Sea as Land, agreed upon between His Majeſty, the Moſt Chriſtian King, the King of *Spain*, the States General of the *United Provinces*, and the United States of *America*, and enjoining the Obſervance thereof.

GEORGE *R.*

WHEREAS Proviſional Articles were ſigned at *Paris*, on the Thirtieth Day of *November* laſt, between Our Commiſſioner for treating of Peace with the Commiſſioners of the United States of *America*, and the Commiſſioners of the ſaid States, to be inſerted in and to conſtitute the Treaty of Peace propoſed to be concluded between Us and the ſaid United States, when Terms of Peace ſhould be agreed upon between Us and His Moſt Chriſtian Majeſty: And whereas Preliminaries for reſtoring Peace between Us and His Moſt Chriſtian Majeſty, were ſigned at *Verſailles* on the Twentieth Day of *January* laſt, by the Miniſters of Us and the Moſt Chriſtian King. And whereas Preliminaries for reſtoring Peace between Us and the King of *Spain*, were alſo ſigned at *Verſailles*, on the Twentieth Day of *January* laſt, between the Miniſters of Us and the King of *Spain*: And whereas, for putting an End to the Calamity of War as ſoon and as far as may be poſſible, it hath been agreed between Us, His Moſt Chriſtian Majeſty, the King of *Spain*, the States-General of the *United Provinces*, and the United States of *America*, as follows, that is to ſay,

THAT ſuch Veſſels and Effects as ſhould be taken in the *Channel* and in the *North Seas*, after the Space of Twelve Days, to be computed from the Ratification of the ſaid Preliminary Articles, ſhould be reſtored on all Sides; That the Term ſhould be One Month from the *Channel* and the *North Seas* as far as the *Canary Iſlands* incluſively, whether in the Ocean or in the *Mediterranean*; Two Months from the ſaid *Canary Iſlands* as far as the Equinoctial Line or Equator; and laſtly, Five Months in all other Parts of the World, without any Exception, or any other more particular Deſcription of Time or Place.

AND whereas the Ratifications of the ſaid Preliminary Articles between Us and the Moſt Chriſtian King, in due Form, were exchanged by the Miniſters of Us and of the Moſt Chriſtian King, on the Third Day of this inſtant *February*; and the Ratifications of the ſaid Preliminary Articles between Us and the King of *Spain*, were exchanged between the Miniſters of Us and of the King of *Spain*, on the Ninth Day of this inſtant *February*; from which Days reſpectively the ſeveral Terms above-mentioned, of Twelve Days, of One Month, of Two Months, and of Five Months, are to be computed: And whereas it is Our Royal Will and Pleaſure that the Ceſſation of Hoſtilities between Us and the States General of the *United Provinces*, and the United States of *America*, ſhould be agreeable to the Epochs fixed between Us and the Moſt Chriſtian King:

WE have thought fit, by and with the Advice of Our Privy Council, to notify the ſame to all Our loving Subjects; and We do declare, that Our Royal Will and Pleaſure is, and we do hereby ſtrictly charge and command all Our Officers, both at Sea and Land, and all other Our Subjects whatſoever, to forbear all Acts of Hoſtility, either by Sea or Land, againſt His Moſt Chriſtian Majeſty, the King of *Spain*, the States General of the *United Provinces*, and the United States of *America*, their Vaſſals or Subjects, from and after the reſpective Times above-mentioned, and under the Penalty of incurring Our higheſt Diſpleaſure.

Given at Our Court at St. James's, *the Fourteenth Day of* February, *in the Twenty-third Year of Our Reign, and in the Year of Our Lord One Thouſand, Seven Hundred and Eighty-three.*

GOD ſave the KING.

To His Excellency GEORGE CLINTON, Esquire, Governor, and the other the Honourable Members compoſing the Board, conſtituted by Law for the temporary Government of the Southern Diſtrict of the State:

The MEMORIAL of the Subſcribers, in Behalf of themſelves and others, the REFUGEE CITIZENS of NEW-YORK:

HUMBLY SHEWETH,

THAT your Memorialiſts were among the firſt of the citizens of America, who in the early ſtages of Britiſh uſurpation, aſſerted their rights as became freemen; and who openly contended againſt the unconſtitutional and arbitrary meaſures which were adopted and purſued by the King and Parliament of Britain, to reduce the inhabitants of this continent to the abject ſtate of unconditional ſubmiſſion, to ſuch exerciſes of power as their avarice or ambition might dictate. And your Memorialiſts, after a ſeries of unavailing applications to the Britiſh court for redreſs, can alſo aſcribe to themſelves the honour of making the firſt overtures to their then ſiſter colonies for eſtabliſhing that union among themſelves, which, under the protection of Divine Providence, has proved the happy means of their common preſervation; and which has enabled them, with ſuch unparalleled ſucceſs, to repel the powerful exertions of an exaſperated enemy, and to cloſe the hazardous conteſt by compelling even that haughty enemy to acknowledge theſe United States as a free, ſovereign and independent nation.

That your Memorialiſts, conſcious of the rectitude of their intentions, the juſtice and importance of the cauſe in which they were engaged, ſtimulated by the moſt ſacred regard for the civil and religious liberties of their country, and poſſeſſing the fulleſt dependence upon the honour, the exertions, and ſupport of their fellow ſufferers, citizens and countrymen, ſo ſolemnly promiſed and pledged by voluntary aſſociations, declaring to the world, that at every hazard, expence and danger, they would defend and maintain their freedom againſt every invader.---Governed by ſuch motives, and confiding in ſuch aſſurances, your Memorialiſts in demonſtration of the ſincerity of their profeſſions, moſt cheerfully abandoned their comfortable habitations, their property, and many of them every means of ſupport, upon the approach of the Britiſh armament to this ſtate in the year 1776. Perhaps too ſanguinely reaſoning from the dictates of their own hearts, that a people on whoſe generoſity and gratitude they were thus confidentially depending, and for whoſe ſafety, intereſt and cauſe they were thus fully devoting themſelves, would receive them with the moſt cordial expreſſions of friendſhip, favour and eſteem.

At this period, and in the moſt deſtituſe and diſperſed circumſtances, commenced the various, aggravated and ſevere hardſhips, which, in the courſe of a ſeven years exile, your Memorialiſts have experienced; and, notwithſtanding of which, animated by the hope of being eventually ſucceſsful in the great cauſe in which they had embarked they have on all occaſions, with fortitude and firmneſs, continued to manifeſt their zeal and perſeverance, by contributing according to their power and opportunity, whatever has been required from them in common with others, for public uſe or ſervice: Patiently, though anxiouſly waiting for that happy day, which would relieve them from ſuch mortifying ſcenes of miſery, by reſtoring them triumphantly to their native city with liberty and peace.

Such having been the conduct, the ſacrifices, and the ſufferings of your Memorialiſts, through the tedious periods of the war, there can be but few among all the citizens of America who have more real cauſe of rejoicing at the auſpicious proſpect of an honourable peace.---But when they reflect upon the preſent circumſtances of the city, and compare them with their own:--- When they remember that a very conſiderable part of it is reduced to aſhes, and the reſidue in the occupation of adherents to the Britiſh government, and followers of the Britiſh army, poſſeſſed, not only of all the advantages derived from trade and buſineſs of every kind, but alſo of wealth and influence to ſecure thoſe advantages to themſelves.---Your Memorialiſts would be filled with the moſt painful and alarming apprehenſions for their future means of ſubſiſtence and ſupport, were they not comforted by the confidence and truſt which they repoſe in the juſtice and wiſdom of that government, which they have done ſo much to eſtabliſh.

Your Memorialiſts have derived great ſatisfaction and encouragement from the provident meaſures adopted by the Legiſlature, which under prudent limitations, conſtitutes a temporary government for the ſouthern diſtrict of the ſtate, eſpecially as they flatter themſelves that a generous attention to the caſe and circumſtances of the diſperſed and unfortunate citizens of New-York, as a principal end, dictated the expediency and propriety of this judicious and neceſſary act. And your Memorialiſts, poſſeſſing the ſame confidence in the juſtice, generoſity and wiſdom of your Honorable Board, entertain no doubt but that you will be equally diſpoſed to take your Memorialiſts under your immediate protection and ſavour, and to exert the powers with which you are inveſted for the purpoſe of promoting their ſpeedy and effectual re-eſtabliſhment, as far as may be practicable, in their former habitations, or in as comfortable a manner as the reduced condition of the city will permit.

Reduced in property, and deſtitute as many of your Memorialiſts are, and notwithſtanding they have devoted ſo many years of the moſt valuable part of their lives to the common cauſe of their country, yet they never would think themſelves warranted to ſolicit the interpoſition of your Honorable Board for their intereſt or accommodation in any inſtance where their application or claims would operate againſt the true intereſt of the ſtate at large, or with the rights of thoſe who were entitled to the favour of government; but your Memorialiſts are fully perſuaded that when the merits of their preſent requeſts are diſpaſſionately and impartially inveſtigated, it will be abundantly evident, that on the one hand, they have given the moſt ample demonſtrations of attachment, perſeverance and zeal, through all the viciſſitudes of the arduous conteſt; and that on the other hand, thoſe who are in poſſeſſion of the city have perhaps, with equal perſeverance, exerted themſelves to ſupport our enemy and to defeat the meaſures which have been purſued for the preſervation of our lives, liberty, and the eſtabliſhment of our freedom and independence; nor can there be a doubt, but that exaſperated by their diſappointment and diſgrace, they will retain the ſame vindictive rage and enmity againſt our happy conſtitution and government; and inſtigated by their unconquerable prejudices, will exert every means in their power to attempt their ſubverſion. And when it is conſidered how far the influence, principles and examples of the citizens of the metropolis prevail through the remote parts of the ſtate, there can be as little doubt about the policy of guarding againſt the dangerous effects which reaſonably might be apprehended from exciting the whig inhabitants and ſuffering the capital of the ſtate to remain an aſylum for the diſaffected, and a nurſery of tory principles.

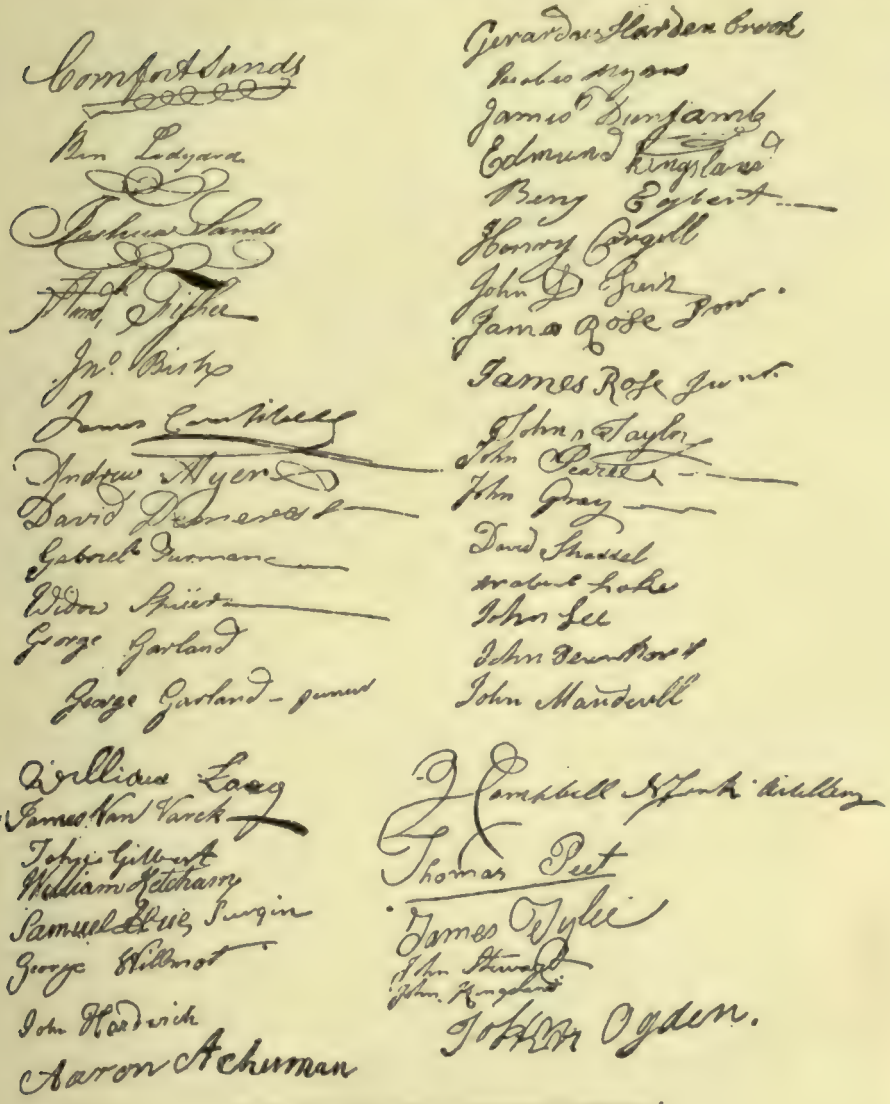
Having thus freely, but they hope, with becoming reſpect, ſtated to your Honorable Board the peculiar embarraſſments and diſtreſſes of their preſent ſituation; and alſo taken the liberty to ſuggeſt ſuch arguments as they truſt, will ſufficiently vindicate the juſtice and propriety of their claims: your Memorialiſts take leave to repreſent, that many of them were tenants, and rented houſes either by the year, or upon leaſe for a term of years, which they abandoned, and with the American army retired from the city in the fall of the year 1776. That others of your Memorialiſts occupied houſes their own property, which, ſince the enemy have had poſſeſſion of the city, are conſumed by fire, and that comparatively, there are but very few of thoſe citizens who withdrew from New-York upon the approach of the enemy, who have either the means or proſpect of being able to procure a covering for their families upon their return, eſpecially as in their preſent circumſtances, they cannot afford to pay ſuch extravagant rents as are demanded by the proprietors, particularly by thoſe who have adhered to the enemy or remained within their power and protection during the war, and which are frequently given by diſaffected and ſtrangers, as your Memorialiſts apprehend, thereby to gain a reſidence and eſtabliſhment in the ſtate.

Under ſuch a complication of difficulties, your Memorialiſts are conſtrained to preſent their caſe and claims to your Honorable Board:--- They again declare that they wiſh for nothing incompatible with the rights of whig citizens, or which would embarraſs government in their deciſions; and they flatter themſelves, that while they only claim to be provided for, as faithful and zealous citizens and ſubjects, in preference to thoſe who have been open and avowed enemies, their applications will neither be deemed unreaſonable, nor rejected by a government convinced of the truth of the facts which they aſſert, and friendly to the principles of our glorious revolution.

Your Memorialiſts do therefore moſt earneſtly requeſt, that your Honorable Board will be pleaſed to take their caſe into conſideration, and as ſoon as conveniently may be, to make an ordinance, authoriz ing ſuch of your Memorialiſts who either occupied, rented, or leaſed houſes in the year 1776, from perſons who have either remained, or removed within the enemy's lines, to repoſſeſs the ſame upon their return to the city. Alſo directing that ſuch houſes as are part of confiſcated eſtates be appropriated, until the Legiſlature ſhall otherwiſe determine for the further accommodation of you Memorialiſts; and preſcribing ſuch other methods and means of providing houſes for the Refugee Citizens as a due ſenſe of their merits, their neceſſity, and your wiſdom may ſuggeſt.

And in order to prevent as much as poſſible thoſe irregularities and confuſion, which, on ſuch an occaſion may be apprehended, as well as for the convenience of the citizens, your Memorialiſts beg leave further to requeſt, that a competent number of prudent perſons may be appointed by your Honorable Board for the purpoſe of diſtributing the houſes, agreeable to ſuch ordinance as your Honorable Board ſhall be pleaſed to paſs in favour of your Memorialiſts, who as in duty bound, ſhall ever pray, &c.

New Burgh, September 1, 1783.

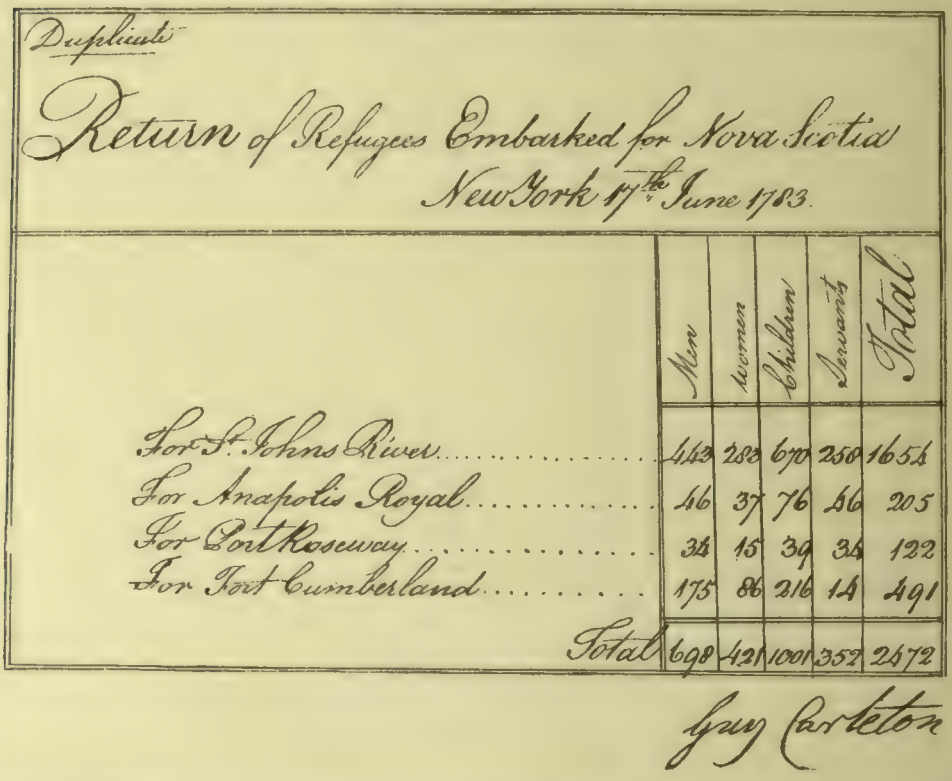


SIGNATURES TO THE FOREGOING PETITION.[1]

As the guard passed into the old fort the scene was most impressive. In the upper bay and just off the Battery stately war-ships lay at anchor, while their boats, loaded to the gunwales with red-coated grenadiers and blue-coated mercenaries, were slowly moving away from the landing. The parapets at Paulus Hook and on Governor's Island were also covered with curious spectators. Entering the abandoned work, upon which so many eyes were turned, the artillery officer charged with the duty of hoisting the American flag discovered, to his

[1] The original was purchased for $400 by Mr. John Nicholas Brown, of Providence, R. I., at the sale of Washington and other valuable and interesting Americana, which took place in Philadelphia in February, 1891. EDITOR.

disgust, that some facetious person, presumably "loyal," had removed the halyards and thoroughly soaped the flagstaff. But Yankee ingenuity speedily overcame this difficulty. An agile young sailor was supplied with some rough wooden cleats and a pocketful of nails, and slowly but surely worked his way to the top of the pole, attached a new set of halyards, and in a twinkling the glorious Stars and Stripes were flung to the breeze, and saluted with thirteen guns and three times three from the throats of American freemen. As the first gun



Duplicate

Return of Refugees Embarked for Nova Scotia
New York 17th June 1783.

	Men	Women	Children	Servants	Total
For St. Johns River	443	282	670	250	1654
For Anapolis Royal	46	37	76	46	205
For Port Roseway	34	15	39	34	122
For Fort Cumberland	175	86	216	14	491
Total	698	421	1001	352	2672

Guy Carleton

was fired, the troops paraded in Broadway came to attention; as the echo of the last one died away, Governor Clinton appeared opposite the right of the line and the brigade presented arms, while an artillery salute suitable to his rank once more thundered out.

Besides the military ceremonies, a civic reception[1] was tendered to the general and the governor. Both repairing to the Bull's Head, they

1 "New York, Nov. 24, 1783. The Committee appointed to conduct the Order of Receiving their Excellencies Governor Clinton and General Washington, beg leave to inform their Fellow-Citizens, that the Troops, under the command of Major General Knox, will take possession of the City at the Hour agreed on, on Tuesday next; as soon as this may be performed, he will request the Citizens who may be assembled on Horseback, at the Bowling-Green, the lower End of the Broad-Way, to accompany him to meet their Excellencies Governor Clinton and General Washington, at the Bull's Head, in the Bowery—the Citizens on Foot to assemble at or near the Tea-water Pump at Fresh-water.

"Order of Procession. A party of Horse will precede their Excellencies and be on their flanks—

were met by an immense concourse of citizens and a novel but solid escort of returned exiles bursting with enthusiasm. Elaborate addresses were made, full of the spirit of the hour. Each man wore "a Union cockade of black and white ribband on the left breast and a Laurel in the Hat," and all were formed in "a square — the field and other officers on the flanks of the square," and in that manner the heroes were conducted to their quarters. None could doubt the sincerity with which these once exiled New-Yorkers addressed Washington: "In this place and at this moment of exultation and triumph, while the Ensigns of Slavery still linger in our sight, we look up to you, our deliverer, with unusual transports of Gratitude and Joy."

SIR GUY CARLETON.

On the 28th Sir Guy Carleton officially advised his government that "his Majesty's Troops and such of the Loyalists as chose to emigrate, were on the 25th inst. withdrawn from the City of New York, in good order, and embarked without the smallest circumstance of irregularity or misbehavior of any kind." Even mother earth seemed to mark the significance of the event by unusual demonstrations. It is recorded by the reliable chronicler of those stirring days that on November 29, "in the evening we felt a slight shock of an earthquake, and about 11 there was a more violent one which shook all the city in a surprising manner." On December 5 Admiral Digby, with the last vestige of foreign force, sailed from Staten Island.

One more historic scene was to close the last year of the military occupation of the city. On December 4, 1783, Washington, about to resign his military commission, took leave of his comrades in arms at Fraunces' Tavern. Colonel Tallmadge, one of his favorite officers, describes the impressive occasion: "We had been assembled but a few moments when his Excellency entered the room. His emotion, too strong to be concealed, seemed to be reciprocated by every officer present. After partaking of a slight refreshment in almost breathless silence, the General filled his glass with wine, and turning to the

after the General and Governor, will follow the Lieutenant Governor and Members of the Council for the temporary Government of the Southern Part of the State. The Gentlemen on Horseback, eight in Front — those on Foot, in the Rear of the Horse, in like Manner. Their Excellencies, after passing down Queen Street, and the line of troops up the Broadway, will alight at Cape's Tavern. The Committee hope to see their fellow citizens conduct themselves with Decency and Decorum on this joyful occasion." Hist. Mag., I, 44. (For fac-simile of original broadside, see p. 564.)

New York Dec^r 1 1783.

Sir,

Having viewed the barracks & other buildings erected in this state by the British & by them abandoned, as acquired by the efforts of the United States, and consequently as their property — I proposed to sell them forthwith But since I came to this Island I have found that the proprietors of some of the lands on which such buildings stand are desirous of considering them as subject to their claims, by way of compensation for the damages they have sustained from the British. For my own part, I think their demands inadmissable. They make but a small part of the numbers who have suffered by this enemy; but all of whom have an equal right to demand compensation However, to prevent disputes I beg to be favoured with the advice of your Excellency and the Council on this subject, by which I shall be governed + + + +

Tim^y Pickering

D. M. G.

New-York, Nov. 24, 1783.

The Committee appointed to conduct the Order of receiving their Excellencies Governor CLINTON and General WASHINGTON,

BEG Leave to inform their Fellow-Citizens, that the Troops, under the Command of Major-General KNOX, will take Poſſeſſion of the City at the Hour agreed on, Tueſday next; as ſoon as this may be performed, he will requeſt the Citizens who may be aſſembled on Horſeback, at the Bowling-Green, the lower End of the Broad-Way, to accompany him to meet their Excellencies GovernorCLINTON and General WASHINGTON, at the Bull's Head, in the Bowery---the Citizens on Foot to aſſemble at or near the Tea-water-Pump at Freſh-water.

ORDER OF PROCESSION.

A Party of Horſe will precede their Excellencies and be on their flanks---after the General and Governor, will follow the Lieutenant-Governor and Members of the Council for the temporary Government of the Southern Parts of the State---The Gentlemen on Horſe-back, eight in Front---thoſe on Foot, in the Rear of the Horſe, in like Manner. Their Excellencies, after paſſing down Queen-Street, and the Line of Troops up the Broadway, will a-light at CAPE'S Tavern.

The Committee hope to ſee their Fellow-Citizens, conduct themſelves with Decency and Decorum on this joyful Occaſion.

CITIZENS TAKE CARE!!!

THE Inhabitants are hereby informed, that Permiſſion has been obtained from the Commandant, to form themſelves in patroles this night, and that every order requiſite will be given to the guards, as well to aid and aſſiſt, as to give protection to the patroles: And that the counterſign will be given to THOMAS TUCKER, No. 51, Water Street; from whom it can be obtained, if neceſſary.

officers, said: 'With a heart full of love and gratitude I now take leave of you. I most devoutly wish that your latter days may be as prosperous and happy as your former ones have been glorious and honorable.' After the officers had taken a glass of wine, the General added 'I cannot come to each of you, but shall feel obliged if each of you will come and take me by the hand.' General Knox, being near-

CIVIC RECEPTION OF WASHINGTON AND CLINTON.

est to him, turned to the Commander-in-chief, who, suffused in tears, was incapable of utterance, but grasped his hand, when they embraced each other in silence. In the same affectionate manner every officer in the room marched up to, kissed, and parted with his General-in-chief. Such a scene of sorrow and weeping I had never before witnessed, and hope I may never be called upon to witness again. Not a word was uttered to break the solemn silence that prevailed, or to interrupt the tenderness of the interesting scene. The simple thought that we were about to part from the man who had conducted us through a long and bloody war, and under whose conduct the glory and independence of our country had been achieved, and that we should see his face no more in this world, seemed to me utterly insupportable. But the time of separation had come, and waving his hand to his grieving children around him he left the room, and passing through a corps of light infantry, who were paraded to receive him, he walked silently on to Whitehall, where a barge was in waiting.

We all followed in mournful silence to the wharf, where a prodigious crowd had assembled to witness the departure of the man who, under God, had been the great instrument in establishing the glory and independence of these United States. As soon as he was seated, the barge put off into the river, and when out in the stream, our great and beloved General waved his hat and bade us a silent adieu." [1]

In his reply to the citizens' address, a few days before, Washington used the following words, the spirit of which has been so wonderfully fulfilled in our day that they will most fitly bring this chapter to an end: "May the Tranquillity of your city be perpetual: May the Ruins soon be repaired, Commerce flourish, Science be fostered, and all the civil and social Virtues be cherished in the same illustrious manner which formerly reflected so much credit on the Inhabitants of New York."

[1] An extract from the letter of an officer of the continental army (quoted in Griswold's "Republican Court," p. 3, N. Y., 1879) reads thus: "I have heard a good deal about the leave-taking at Black Sam's. Happy as was the occasion, and prayed for as it was by him and all patriots, when he might feel there was not an enemy in America, it brought with it its sorrows, and I could hardly speak when I turned from taking my last look of him. It was extremely affecting. I do not think there ever were so many broken hearts in New York as there were that night. That cursed captain carried off Johnson's girl after all. . . . The Chief was told the story by Gen. Knox, and he said he sincerely sympathized with Johnson. That is like him. He was always touched by everybody's misfortunes. I saw him at the French minister's dinner. He looked considerably worn out, but happy. As to Johnson, he is not alone, by a vast many. These scamps could not conquer the men of this country, but every where they have taken the women, almost without a trial, damn them! But as you say, it 's the girls who ought to be damned, who could not hold out against a spruce uniform, nor remember a brave heart. Well it 's their weakness. But I 'm in the wrong if one of them who has taken a British husband and does not rue it, for which, certainly, I shall not care."

DEPARTURE OF THE BRITISH TROOPS.

PAPERS RELATING TO THE BRITISH PEACE COMMISSION IN AMERICA IN 1778.

(Selected from the Stevens "Fac-similes of MSS. concerning America, 1773-83," London, 1891.)[1]

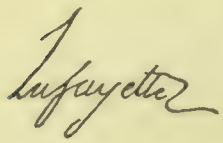
I

LAFAYETTE-CARLISLE CORRESPONDENCE COVERING A CHALLENGE TO FIGHT A DUEL.

(Marquis de Lafayette to Lord Carlisle.)

FISHKILL 5 October 1778

Until now, my Lord, I did not believe that I should ever have any transactions except with your generals, and I only expected to have the honour of seeing them at the head of the troops which are respectively intrusted to us. Your letter of the 26th of August to the Congress of the United States and the insulting phrase towards my country which you have there signed, would alone give me a sufficient reason for demanding satisfaction from you. I scorn to refute it, my Lord, but I wish to punish it. I challenge you as head of the Commission to give a satisfaction as public as the offence has been and as the refutation which follows it will be. This would not have been so long delayed if the letter had reached me sooner. Compelled to be absent for some days, I hope to find your reply on my return. M. de Gimat, a French officer, will make on my behalf the arrangements which may be most agreeable to you. I do not doubt that for the honour of his countryman, General Clinton will place no obstacle in the way. For my part, my Lord, all arrangements are good, provided that to the glorious advantage of being born a Frenchman, I may add that of proving to one of your nation that my own shall never be attacked with impunity. (Signed)



LAFAYETTE.

To Lord Carlisle at New York.

(Lord Carlisle to Marquis de Lafayette.)

SIR I have received your letter transmitted to me from Mons. de Gimat, and I confess I find it difficult to return a serious Answer to its Contents. The only one that can be expected from me as the King's Commissioner, and which *you ought to have known*, is that I do and ever shall consider myself solely answerable to my Country and my King and not to any Individual for my public Conduct and Language.

As for any opinion or expressions contained in any publication issued under the Commission in which I have the Honour to be named, unless they are retracted in Public, you may be assured I shall never in any Change of Situation be disposed to give an Account of them much less recall in Public.

The Inquiry alluded to in the Correspondence of the King's Commissioners to the Congress I must remind you is not of a private Nature, and I conceive all national disputes will be best decided by the Meeting of Admiral Byron and the Count d'Estaign.

New York, Oct^{r} 11th, 1778. (Signed) CARLISLE.

[1] These documents appear, for the first time in type, here.

II

"SKETCHES OF AMERICAN PUBLIC CHARACTERS AND HINTS FOR THE USE OF THE COMMISSION": AUTOGRAPH LETTER FROM REV. JOHN VARDILL TO WILLIAM EDEN, ESQ., APRIL 11, 1778.

(From the Auckland MSS., King's College, Cambridge, England.)[1]

SIR: Tho I am sensible that you will derive much better information from others, and am inclined to believe that your Humanity suggested the request in your note, to relieve my mind of pain from a rejection of my former proposal; yet I will deliver my Opinions without reserve,— persuaded, from your Candour, that they may be as safely trusted with you, as in my own bosom.

To secure the respect of the *People in general* especially in the Middle and Eastern Provinces, you will find it prudent to maintain a Gravity in your Deportment, to join as little as possible in *Carnival* Parties & Public *Diversions.*

The Religious Principle has much influence among them; you will not therefore display even an *appearance* of contemning it by neglecting public worship. You will find the *Loyalists* in general, in America, too much under the impulse of *Passion & Prejudice* to be relied on for Information, & too *obnoxious* to the leading Rebels to be of any service in conciliating their affections. You will therefore be difficult of access to them on your arrival, as it will save you the necessity of disobliging them of the pain of perpetual application for assistance & favours. Among those who will first wait on you at New York will be *Gov^r Tryon & his Council.*

Tho a Gentleman of Integrity & Fortitude, Mr. *Tryon* is made by his *Vanity* a Dupe to every flattering Imposter. William Smith Esq. who was his *Premier* managed him by this string & made him suppose, that the whole Dissenting Interest in the Province would obey his Nod. Being deceived & insulted by them, you will find him too much guided by personal Resentment to be trusted. His indiscreet Letter to one of the Rebel Commanders, avowing his inclination to fire every Committee man's House, thro' the Country has made him very odious & rediculous.

His Secretary Col. Fanning is a plausible good natured Gentleman, but of shallow Understanding & held for his affectation in contempt by those in the congress who are acquainted with him. Mess^rs Morris, White & Wallace are possessed of no influence & not worth your attention.

Genl. *Delancey*, who also is of the Council, & Mr. *James Delancey* of the Assembly of New York are remarkable for their good sense knowledge of the Country & influence among the Loyalists. They are possessed of large property in the Province. Mr. James D —— has been in England during the War. He is intimate with Burnet & Fox & is related to the Duke of Grafton.

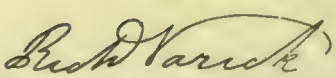
Tho I introduced him a few days ago to L'd. North as a person I wished not to have as an Enemy to the Commission: yet I think he should not be *confided in*, tho treated with attention, as he will probably correspond with some of the Leaders in Opposition. He is exceedingly open to *Flattery*, so that, tho naturally reserved, if he finds himself listened to without contradiction & is pampered with praise, he will disclose his opinions freely & without disguise. He may be a very dangerous Enemy tho it is not in his power to be very useful as a friend.

[1] Rev. John Vardill, D. D., was a graduate of King's College, New-York; in 1774 he was appointed assistant rector of Trinity Church, but declined and removed to England. He was in the employ of the British government for a time, but eventually became rector of Skirbeek and Fishtoft, in Lincolnshire, where he died in 1811. William Eden was one of the British Commission of 1778; the other members being Lord Carlisle and Sir Henry Clinton. William Eden was the third son of Sir Robert Eden, Bart., of West Auckland, Durham, England (born 1744, died 1814); Under Secretary of State (1772), Lord of Trade, Commissioner to America (1778), Minister to France (1785); also Ambassador to Spain and Holland, and Postmaster-General; was raised to the British peerage (1793) as Baron Auckland.

It may deserve your attention, that for many years, two Parties have contended for power in the Province of New York — the one, which was the *Church-Interest*, headed by the *Delancies* & the *Dissenting* led by the *Livingstons* & *Smiths*. The latter, who joined the Rebels are now the prevailing Party in the Province — You will therefore see a reason for not *countenancing openly* the Delancey-Party, nor meddling, with it, as it will operate strongly in preventing their opponents *& governing themselves* having been one motive to join in the Rebellion.

Indeed I humbly conceive it will, in general answer no good purpose to show a preference to any *man* or *Family* friendly to Government; but to act without apparent attachment or connection with any.

You will find it of essential importance to engage if possible WILLIAM SMITH, one of the Council of New York, in your Service. He now resides near Albany, & has more influence over the Rebels in the Province than any other person. The titular *Gov^r Clinton* was his Pupil & is his Creature. He is subtle, cool & persuasive. He corresponded with *L^d Dartmouth* & aspired to be Lieut. Governor of the Province. He may be secured by an application to his *Ambition*.



John Jay Esq. Chief Justice of the Province & member of the Continental Congress, is possessed of a strong Understanding, tho much perverted by the Study of the Law joined to a temper naturally controversial. You can sooner gain him to your opinion by submitting to be confuted by him, than by a direct attempt to convince him. He has but a small fortune and is married to a Daughter of *Gov^r Livingston* of New Jersey. A prospect of Keeping his present office of *Chief Justice*, would probably weigh much with him, as he, before the War, sollicited with Mr. Robert Livingston, thro me, to be appointed a Puisne Judge. He is obstinate, indefatigable, & dogmatical but by his Courage zeal & abilities, as a Writer and Speaker, has much Popularity leads the other Delegates and has much influence with his Father-in-Law.

Robert Livingston Esq. Chancellor & a member of the Continental Congress, is the hope & mainspring of that Family. His Talents are more specious than Solid. He is elegant in his manners, persuasive in his address, without the bitterness and warmth of the Partisan, and desirous of honours & wealth chiefly to employ *them in pleasures*. A prospect of the eminence of his family & of retaining his present office of *Chancellor*, will much influence him. *Egbert Benson Esq.* Attorney Genl. is a person of Probity & plain understanding. He will be guided effectually by the example of the two former Gentlemen in whose abilities he has an implicit confidence.

James Duane Esq. Delegate for the Province, is a plodding Lawyer, whose skill is derived strictly from application to business, of little influence, a *slave to avarice* & capable of any meanness to gratify it. He is Son-in-Law to *M^r Livingston* of the Manor (whose son lately left England for America favourably disposed toward Government) & will follow the Family Interest.

These are the only Persons of the *Province of New York* in the Congress-cause, who are worthy your attention.

In Pennsylvania, among the principal Loyalists you will find *Joseph Galloway* Esq. author of the "Calm Address." He is a man of Integrity, much esteemed by the People, & possessed of an improved Understanding; but he is too fond of *System* & his natural warm Temper, inflamed by the oppressions and indignities he has suffered,

will render you cautious of trusting to his Representations. You will, however, find him too valuable to be neglected.

Among others who will endeavour to obtain access to you, will be *Dr. William Smith* & Judge *Allen*, who were warm abettors and champions for the Rebellion, until they thought the cause dangerous, from the success of Genl. Howe on Long Island & in New Jersey when they apostatised & became *Loyalists*. They are cool unprincipled men; but as they are thoroughly acquainted with the views and characters of the Rebel Leaders you cannot consult persons who will be more able to give you information on these subjects. They must however be noticed with infinite circumspection, as they are detested by the People of America in General. *William Livingston* Gov^r of New Jersey is a man of genius & Learning, an Elegant Writer, in principle a Republican, and a violent advocate for *Independency*, which has ever been his favorite Object. He is a man *of Integrity*, tho warm in his Resentments & stern in the exercise of his Authority. He is the Author of the *American Whig* & Independent Reflector, is ambitious of the Character of a Free thinker, idolizes Sydney, Hampden, & Gordon, and will be found the most inflexible enemy to Reconciliation. He is much however under the influence of his Son-in-Law M^r Taylor for whose talents he has the fondest partiality.

These Sketches, S^r are drawn from *my own Knowledge* of the Persons described. The subject is delicate, but where the public good is concerned tho I spoke of my *friends*, as many of the Gent^n are, it would be highly criminal to conceal the Truth.

With respect S^r to the Great End of your Commission I shall have little hope of its success, unless Dr. Franklin has privately approved of the plan, & will forward it with his influence.

For, some of the Congress are friends to Independency from principle, & others will not readily agree to measures which will sink them to their primitive obscurity. The Body of the People are, I believe, for *Peace;* but they be awed into silence & acquiesence by the *Army* & *Committees* who are of the same spirit and character as the Congress.

You will pardon me for submitting, with all Humility & Diffidence, my sentiments on this important subject, which tho they may be rediculous, can do no hurt.

To make it the *Interest* of the *Congress* & Army to close with you will be of the first consequence.

From the many conversations which I have held with the Ambitious in America, and from the nature of the thing itself, it appears to me, that to propose a Scheme of Government by a *Parliament* in the Colonies, composed of an order of *Nobles* or *Patricians*, & a Lower House of Delegates from the different assemblies (the respective Provinces being left as to merely local affairs to the jurisdiction of their several accustomed Legislatures) to take place on their return to their allegiance — would have a great influence on the minds of those who now possess the supreme authority as their present precarious power would be by this means secured to themselves & handed down to their Posterity.

The Army might be also perhaps secured by an agreement that the officers & soldiers should be continued in their rank & pay and employed in the Service of the

Empire against our common enemies until it should be thought convenient by the American Legislature, or the King as first Executive Magistrate to disband them.

Should these loose hints prove of any service the Author will be happy as the highest wish of his heart is the Public Good. Or if they even only amuse you for a moment of your voyage it will be a sufficient reward to him, as he is most gratefully

& Sincerely yours, . . .

April 11 1778.

COLONEL VARICK'S LETTER.

Pending the evacuation of the city, several interesting meetings of the British and American military authorities took place. In a letter of Colonel Richard Varick, dated May 18, 1783, that officer gives a graphic description of these events. He says:

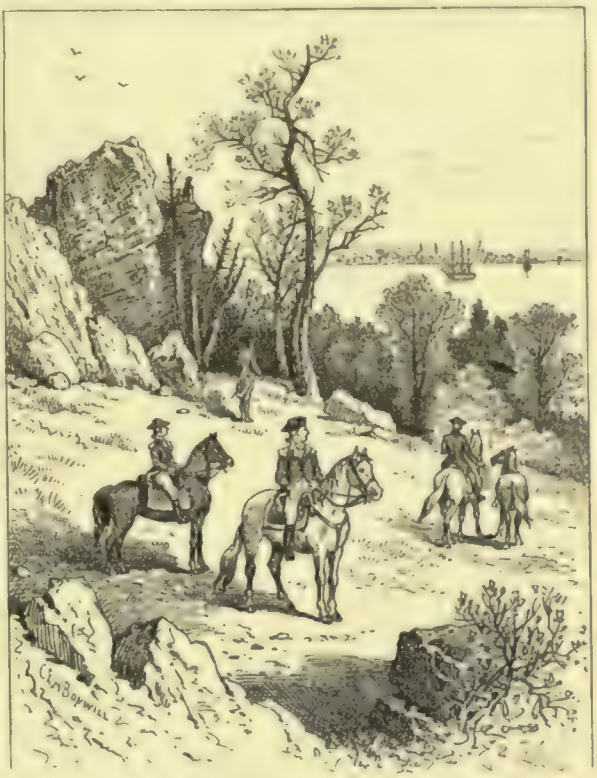
"On Saturday the 3d. inst. His Excellency the Commander in chief & the Governor attended by John Morin Scott Esquire, Lt Colo. Trumbull, Cobb, Humphreys & Varick went down in a barge from Head Quarters dined with M. Genl. Knox, commandt. of West Point, lodged at Peekskill & arrived at Tappan Sloat on Sunday abt. 10 o'clock, where Major Fish had arrived with a command of four Companies of Light Infantry of the Line of the Army the night preceding; the Company after taking a small repast at the Sloat, which was there prepared by Mr. Saml. Francis (commonly called Black Sam) who came up from N. Y. to superintend the Entertainment on the part of the American Commander in Chief, the Genl. Govr. & Co proceeded to Orange Town where a Dinner was prepared. Sir Guy embarked on Board of the Perseverance Frigate a 36 Gun Ship one of the new construction & best in the B. Navy on Sunday the 11th, at 12 o'clock, but did not arrive till Monday evening, he having previously dispatched Major Beckwith his Aid de Camp to announce his approach who came in at Orange town abt. 5 o'clock, from whence Lt. Coll. Humphrys attended him on Board the Perseverence to be informed by Sir Guy when he would wish to land. Sir Guy having stipulated the Time of Landing; His Excellency the Commander in chief attended by two aides de Camp only (Humphrys & Cobb) went down to Onderdonck's in Tappan Bay & recd. Sir Guy at landing & after the Ceremonies of Landing & shaking Hands were

Andrew Elliot [1]

[1] Andrew Elliot was born in Scotland, in 1728, and though of a noble family, but the third son, he found it expedient to enter upon a mercantile career. At the age of eighteen he left home for America, formed a partnership with another young Scotchman, and set up a store in Philadelphia. He prospered greatly in his business and accumulated a fortune. On a visit to Scotland with his family in 1763, he was appointed collector of the port of New-York, and he therefore transferred his residence to this city. During the British occupation he was made lieutenant-governor under the royal military governor James Robertson. He resided at a country-seat called "Minto" (as he was a connection of the Earl of Minto), on the Bowery Road, about two miles from the city, near where the Stewart Building now stands, on Fourth Avenue. He signalized himself particularly by his kindness and services to American prisoners of war. At the evacuation in 1783 he sailed for England, but, as an evidence of the esteem in which he was held, his property was not confiscated, although his wife's, in Philadelphia, was. In 1790 he was urged to accept the position of British minister to the United States, but declined. He died in May, 1797, at Mount Teviot, Roxburghshire, Scotland.

EDITOR.

over received Sir Guy in his four Horse Carriage & came up to Orange Town attended by L^t Gov^r And^w Elliot & Ch. Justice W^m Smith (who chose to walk it up ab^t 3 miles) & M^r Secretary Morgan, Majors Beckwith & Upham, aide de Camp, Capt^n Lutwyche of the Perseverance & young M^r John White a midshipman of the Quebec Frigate, son of Henry White, Esquire of New-York. They were received and saluted at Tappan by Major Fish's Detachment with drums beating and Colours flying & afterwards in the same manner by Capt^n Hamtrancks' Company of the 2^nd N. York Light Infantry which was on duty at the Commander and Chief's Quarters. They were introduced by Gen^l Washington to Go^vr Gen^l Scott and the other gentlemen & soon after they retired to a Room to open the Business of the Interview which was opened by the Commander in Chief in a masterly Manner & then replied to by Sir Guy after which much General Conversation took place on the Subject of the Treaty and the Transactions incident thereto and already executed & yet to take place a short detail of which as far as respects the Gov^r (whom I attended, not conceiving myself at liberty from my relation in public Duty with the Comm^r in chief to go further) I will subjoin. About three hours after (ab^t 4 o'clock) a most Sumptuous Dinner was prepared by M^r Francis & ab^t 30 of us (being then joined by Mess^rs Duer Parker, Lt Col^l W^m S Smith Comm^r of Pres^t Major Fish and some of his officers and some others) sat down & eat and drank *in Peace* and good fellowship, without drinking any *Toasts*, and ab^t 6. Sir Guy and his associates retired. In the Evening, letters were written by the Gen^l & Gov^r on the subject of the days Interview, to Sir Guy which were dispatched the next morning on Board the Perseverance & Answers expected in the next day. But Sir Guy's Illness of an Ague which he caught before he embarked or on Board Ship, prevented answers till lately. On Wednesday the Commander in chief, the Gov^r, Gen^l Scott Lt Col^l Humphrys, Cobb, Trumbull, Smith & Varick & Major Fish & Mess^rs Duer & Parker went to dine on Board Ship, then lying off our post at Dobb's ferry, on our coming on Board, the Marines were paraded & saluted & soon after 17, 24 pounders fired and then detached conferences took place. Sir Guy was confined to his Bed till after Dinner. An Elegant Dinner (tho' not equal to the American) was prepared & we sat down in perfect Harmony & conviviality. When Sir Guy's fit went off, he came up & returned to his Cabin attended by our Comm^r in Chief & after a Conference of a short Duration between the two Gen^ls we prepared for our return & were saluted in the same Manner & with 17 pieces. Thus ended that great formal Business

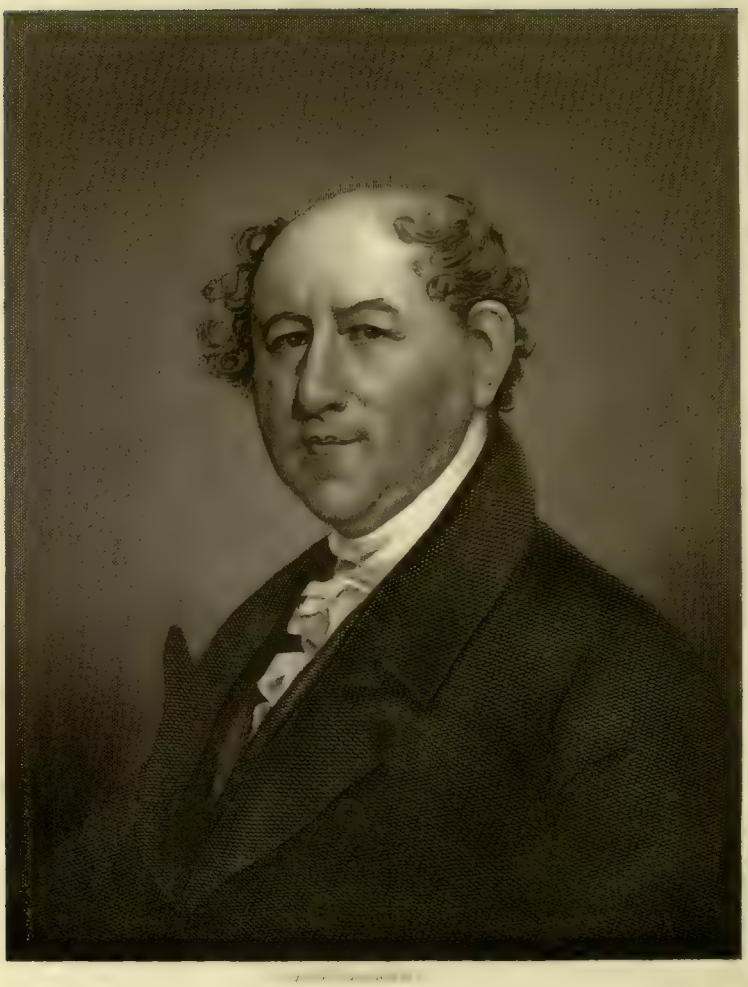


WASHINGTON VIEWING THE CITY, 1783.

& the next morning (the 8th) Sir Guy went to Town and we up the Hudson.—— Sir Guy proposed giving up Westchester County to the State which took place by withdrawing his Troops from Morrisania on the 14th. All the rest of the posts will be given up early as possibly they can. The first division of Cornwallis' Army have already arrived in New York last week & the others are coming in rapidly to comply with our part of the provisional Treaty—I hope to see you soon in our Capital." —

RECEPTION OF NEW-YORK LOYALISTS IN ENGLAND.[1]

[1] This is from an allegorical picture by Benjamin West. Following the key, we learn that Religion and Justice are the figures seen extending the mantle of Britannia, while she herself is holding out her arm and shield to receive the loyalists. Under the shield is the crown of Great Britain, surrounded by loyalists. The group has representatives of the Law, the Church, and Government, with other people. An Indian chief extends one hand toward Britannia, and with the other points to widows and orphans, rendered so by the war. In a cloud near Religion and Justice are seen the Genii of Great Britain and America, in an opening glory, binding up the broken *fasces* of the two countries, as emblematic of the treaty of peace. At the head of the loyalists, with a large wig, is seen Sir William Pepperell, one of their most efficient friends in England, and immediately behind him, with a scroll in his hand, is Governor William Franklin, of New Jersey, son of Dr. Franklin, who remained loyal until the last. The two figures on the right are Mr. West and his wife, both natives of Pennsylvania.
EDITOR.



Rufus King

CHAPTER XIV

CONSTITUTIONAL AND LEGAL HISTORY OF NEW-YORK IN THE EIGHTEENTH CENTURY

AS the art of printing may be said to mark a division separating the older civilization of the world from the new, so the foundation of Bradford's rough printing-press in New-York, about 1694, may be said to serve as the demarcation of authentic history in the province of New-York. From this time on we are permitted to follow with greater precision the action of the New-York legislative assembly, where centered the political life and energy of the entire province. Prior to the American Revolution, the assembly met altogether in the city of New-York, which was the little capital of the province and the seat of the executive residence. Already the great gate of the New World, the city of New-York early in the eighteenth century began to assume the air of a provincial capital. Its British garrison and naval contingent, its waterways in all directions, and its evident destiny enhanced the importance of the city; yet life in North America could not then have been otherwise than earnest and unadorned. The lapse of time has frequently glossed the epoch with tales of brilliant living very far removed from the fact.

The real importance of the New-York of that time is to be found in the seeds, then freshly sown, of a higher and more emancipated political freedom than the world had yet known. To follow their growth to the present time is the best privilege of any history. In the year 1700 the province of New-York, though sparsely settled, was not devoid of the elements of civilization, and even then it compared favorably with the conditions of many parts of the Old World.[1]

Although the population of the city of New-York is estimated to have been only about six thousand in 1710, and not to have doubled that figure until the year 1750, it was from the first the seat of an extensive territorial empire, and its inhabitants were already inspired

[1] Compare the condition of New-York in 1700 (Smith's "History of the Province of New York," London, 1757) with the state of England in 1685 Macaulay's "History of England," I., Chapter III. and that of the remoter countries of Europe.

by the contemplation of the boundless possibilities of the future.[1] In the year 1756 there were two thousand five hundred buildings in the city of New-York, which was a mile in length. The militia of the city then numbered two thousand three hundred, with a considerable reserve. The place was already important.

In the preceding volume we attempted to trace the foundations of civil government in New-York, and their superstructure, to the year 1700. Lord Bellomont, the last governor in the seventeenth century, and also the first in the eighteenth, animated partly by a conviction that the people were more loyal to William and Mary, and distrusting the Jacobite tendencies of those more educated, favored the adherents of Leisler, who embraced most of the Dutch in the province. The administration of Lord Bellomont, an unaffected and somewhat plain nobleman, was more agreeable to the Dutch than to the English.[2] Bellomont himself was evidently not impressed with the civilization of the province, for in a letter to the lords of trade, in 1699,[3] he remarked "how unruly and lawless people are in this province, and what necessity there is that the public justice be settled on a foot." He said that piracy "does and will prevail" in New-York until good law officers of the crown be sent out from England. He was opposed to the extravagant land grants of his predecessor, who had given three quarters of the lands then in the actual jurisdiction of the province to eleven individuals, for little or no consideration to the crown. He took steps to break these grants, and thus incurred the hostility of the "land-speculators" of that time. Lord Bellomont's opponents, and the Leislerians, his adherents, formed the opposing political

1 In 1775 the population of the city of New-York was upward of twenty thousand; St. John de Crève Cœur says twenty-eight thousand in 1772 ("Magazine of American History," 2: 749). In 1723 the province contained 40,564 people, whites and blacks; in 1731, 50,289; in 1737, 60,437; in 1746, 61,589; in 1749, 73,448; in 1756, 96,765; in 1774, 182,247. These figures exclude the Indians. ("Documentary History of New York," 1: 689–697.) In 1769 there seem to have been thirty-nine thousand freeholders, or persons with landed interest, in the province, thus showing the general distribution of property. In 1786 the population of the city of New-York was 23,614 (Thomas E. V. Smith's "New York in 1789"). In 1790 it was 33,131.

2 De Peyster's "Life of Bellomont," pp. 1–32.

3 "Documents relating to Colonial History of New-York," 4: 550.

parties of the day. The Leislerians, or the popular party, then constituted the democracy or liberals, and their opponents, by repulsion, were driven to uphold things more conservative, and ultimately clustered around the English bureaucracy; but oftentimes the party issues were purely personal and intensely local. Under Lord Bellomont's government the legislature passed acts indemnifying the adherents of Leisler who had been excepted from the general pardon of 1691, and they settled a permanent revenue on the government for six years. Elections in New-York were then first regulated by law, in conformity to the English statutes.[1]

The dawn of the eighteenth century saw Queen Anne on the throne of England and her dissolute cousin, Lord Cornbury, the eldest son of the Earl of Clarendon, the governor of New-York. The instructions and commission to the latter do not seem to have altered the previous constitution. In this regnal period, the germs of self-government, and the genius of the New World began to assert themselves in favor of independence. As early as 1704 Chief Justice Mompesson of New-York wrote to Lord Nottingham "that some of the leading men already begin to talk of shaking off their subjection to the crown of England."[2] There were many causes which made a tendency to independence inevitable, but the chief was the democratic condition of the new and distant country. Prior to the year 1700 efforts had been made by the English colonial authorities to establish the state church of England in New-York. At first the adherents of this communion were so few and the other reformers so many that the movement gained little impetus. But in the year 1704, when the Dutch had already acquired a secure status for their church, a final act was passed by the legislature giving effect and sanction to the act incorporating Trinity Church, which then stood for the Church of England in New-York. Thereafter, an act of 1693, entitled "An act for settling a Ministry and Raising a Maintenance for them, in the City of New York, County of Richmond, West Chester and Queens County," which had been passed by an assembly composed mainly of dissenters from the Church of England, and, as it has been said, with the sole view of maintaining a settled clergy, was skilfully wrested from its purpose and made the means of maintaining to some extent the Church of England only. Under this act the governors of the province exercised the power of inducting ministers into most of the parishes,[3] and the inhabitants of the city of New-York, without regard to denomination, were taxed for the support and maintenance of the rector of Trinity Church.

[1] 8 Hen. VI., c. 7, and 7 & 8 Wm. III.

[2] Chalmers's "Revolt of the Colonies," 1: 316.

[3] See a set of induction papers, Edward F. De Lancey's "Origin and History of Manors in New York," pp. 94, 95.

The acts of 1693 and 1704, together with the clauses of the governors' instructions which permitted them to collate to all benefices within the government, gave the English authorities an opportunity to foster the Church of England at the expense of the province—an opportunity which met with determined opposition from the sectaries. The act of 1693 for settling a ministry, as amended by subsequent laws, remained in force until the Revolution. Yet if the English authorities were unmindful of the truer principles of religious liberty, the people at large were not less so, and the assembly, in 1700,[1] passed an act declaring that every Jesuit and Popish priest who should continue in the colony after November 1, 1700, should be condemned to perpetual imprisonment, and if he broke jail, he was to be put to death. Such intolerance serves to show the earlier government by the Dutch in pleasing contrast. Under the Duke of York's government, great religious toleration had been practised, and the "Charter of Libertys of 1683"[2] made ample provision for liberty of conscience to all persons "professing faith in God." But the act of 1700 was retrogressive and calculated to distress a powerful body of religionists to an extent inconsistent with the highest conception of government. The effect of the legislation in New-York on the Church of England has met with the most diverse conclusions, some persons contending that it established the English Church in the province and others of equal authority that it did not.[3] It is probable that the advocates of both opinions are in part right, and that the Church of England was established here, but in a manner differing from the English establishment and far less destructive of the rights and privileges of other Protestant denominations.

The judicial establishment of New-York furnished the theater for nearly all the ultimate contentions of the political parties of the province down to the time of the Revolution. In this we see the evidences of a law-abiding people, destined to maintain a sure government on strong foundations. After the year 1700 some notable judicial trials took place, which did much to put the constitution of the province on a higher plane. Even prior to 1700 the courts had accomplished something in this direction, in a very rough fashion, indeed, but not altogether inadequately. In the year 1665 Ralph Hall and wife had been tried in the court of assizes for witchcraft, under an English statute of James I. which was presumed to extend here. The trial resulted in an acquittal.[4] In 1680 Governor Carteret, of New Jersey, was brought to trial at the New-York assizes for riotously presuming

[1] Smith and Livingston's "Laws of N.Y.," 1:38.

[2] See Vol. I, Chapter XIV, p. 547, of this work; also p. 406.

[3] For a general conspectus of these opinions, see George H. Moore, in Dawson's "Historical Magazine," second series, 1:321; 2:9; Baird's "Civil Status of the Presbyterians in the Province of New York" ("Magazine of American History," 3:593); E. F. De Lancey's "Origin and History of Manors in New York," p. 100 *et seq.*; Smith's "History of New York," 1:284.

[4] Doc. Hist. of N. Y., 4:133.

to govern his Majesty's subjects within the boundaries of the Duke of York's patent. Notwithstanding Governor Andros, who presided, greatly desired a conviction, the jury preserved the integrity of trial by jury and were firm for acquittal. In 1681 occurred the *cause célèbre* in which William Dyre, the collector of the port, was indicted for traitorously exercising regal authority over the king's subjects,[1] in levying duties under authority of the Duke of York. When Dyre objected to the court's jurisdiction, he was shipped to England, a spirited proceeding which is believed by our annalists to have contributed to the establishment of the permanent legislative assembly in New-York.

Stanhope[1]

Although the administration of justice, prior to 1700, was somewhat rough, according to present conceptions, yet it was quite adequate. Civil institutions are rarely better than the average of the civilization in which they exist. It is most important to a new commonwealth that justice should be effectual, just as at a subsequent stage of its development that it should be refined as well as effectual. Though Lord Bellomont criticized the law-abiding character of the people of New-York in his day, he himself violated a plain principle of justice in the case of Alsop *vs.* Wandell, when he and the council, constituting the Court of Appeal of the province, reversed a judgment of the same court rendered by his predecessors and council. Concerning this conduct the lords of trade in 1700 expressed their disapprobation, and reminded Lord Bellomont that judgments of the highest court of a province were estoppels of record, and could be reversed only by the king in council.[3] Thus, step by step, government was assuming a regular form and molding institutions of a more liberal and advanced character. The eighteenth century was destined to introduce a more orderly and scientific procedure in the New-York judicatories. The augmenting wealth now made it worth while for educated persons to practise at the bar of the province to the exclusion of other pursuits. The bench began to be occupied by trained

[1] Doc. rel. Col. Hist. N. Y., 3 : 289.

[2] The portraits of the English historians Lords Macaulay and Stanhope and that of Mrs. Grant of Laggan, are introduced in this volume by reason of the many quotations from their writings, as was the case with the portraits of the diarists Samuel Pepys and John Evelyn that appeared in the previous volume. EDITOR.

[3] Doc. rel. Col. Hist. N. Y., 4 : 635.

lawyers, not always eminent, but generally of respectable attainments. Lord Bellomont's criticism on the attainments of the lawyers of the province in his time now ceased to apply.[1] By 1733 the bar of the province had assumed a high character, and was perhaps as efficient as at any subsequent period of New-York history. As early as the year 1704 the English forms of special pleading were introduced in the province of New-York.[2]

Lord Bellomont's death in 1701 left Lieutenant-Governor Nanfan the executive of the province. Lord Cornbury was, however, appointed to succeed Lord Bellomont. So soon as the news of Lord Cornbury's appointment was gazetted at New-York, Colonel Nicholas Bayard, a leader of the anti-Leislerian party, promoted several addresses to the king, the parliament, and the new governor. These were generally subscribed by the inhabitants and the soldiers of the garrison at the tavern of John Hutchins, an alderman of the city of New-York. The addresses accused the lieutenant-governor of bribing the assembly, and reflected on the council generally. When Nanfan heard of them, an order was at once made in council, dated January 16, 1702, directing Hutchins to deliver them up; and upon his refusal he was committed to the common jail "for the signing of libels said to be against the administration of the government." Colonel Bayard and Rip Van Dam, as leaders of their party, immediately petitioned for Hutchins's release, and thereupon Nanfan and the council, contrary to the opinion of the attorney-general, issued a warrant committing Bayard to the common jail on a charge of high treason, under a statute of the New-York assembly of 1691. By this statute any overt act disturbing the peace of the crown was made treason, punishable according to the course of the common law. Colonel Bayard himself had been prominent in procuring the passage of the very act[3] under which he was indicted.

Lieutenant-Governor Nanfan did not await Lord Cornbury's arrival, but at once issued a special commission of Oyer and Terminer to Atwood, then chief justice of the Supreme Court, and to De Peyster and Walters, the puisne judges, before whom Bayard was brought to trial at New-York city. The New-York statute under which Bayard was indicted, in terms, made the law of England concerning treason the law of New-York. The evidence in the case, the motion in arrest of judgment, and the opinions of the court are fully reported in the English State Trials by Howell.[4] Colonel Bayard was convicted and sentenced to be hanged, drawn and quartered. He appealed to the king in council, and Queen Anne, having succeeded to the throne in 1702, reversed the attainder,[5] and at the October term, 1703, the *remittitur*, so

[1] Doc. rel. Col. Hist. N. Y., 4 : 441. [2] Daly's "Judicial Organization of the State," p. xliii.
[3] See the act, Howell's State Trials, 14 : 471. [4] Ib., p. 471. [5] Doc. rel. Col. Hist. N. Y., 4 : 1023.

reversing the judgment, was regularly entered in the Supreme Court of New-York. The important incident in Bayard's case concerns the office of the jury. Mr. Emott, of counsel to Colonel Bayard, contended that the jury were to pass upon the mixed question of law and fact. The chief justice appears to have been very much against the prisoner, and was ultimately censured for his course in this trial. The reversal of the conviction and the attitude of the prisoner's counsel in this important case aided a better administration of justice in New-York. The official report shows a more careful attention to the forms of procedure, and a quiet dignity and firmness on the part of counsel, which in themselves guaranteed additional security to the liberty of the province.

In 1706 occurred another legal trial of importance in forming the colonial constitution. Lord Cornbury's instructions prompted him to be zealous in the work of establishing the Church of England in the province. The Dutch in New-York were still of the professed religion of the Synod of Dort, and subject in church government to the Classis of Amsterdam. Lord Cornbury's efforts led him into a conflict with the courts, where he was discomfited. On January 21, 1706, Francis Makemie and John Hampton, two Presbyterian ministers, were arrested under the governor's warrant for preaching without a license. After some weeks' confinement they were brought before Chief Justice Mompesson of the Supreme Court by virtue of a writ of *habeas corpus*, and admitted to bail. The writ and return are given in the fourth volume of Force's "Historical Tracts" (No. 4). The *mittimus* of Lord Cornbury failed to specify any crime, and the prisoners hoped to be discharged; but before the return to the writ Lord Cornbury issued another *mittimus*, in form somewhat more regular. At the March term the grand jury found a true bill against Makemie for unlawfully preaching without a license, "against the peace of our Lady the Queen her crown and dignity," and for the unlawful use of other rites and ceremonies than those contained in the Book of Common Prayer. The last clause of the indictment was for an unlawful meeting in a conventicle. When Makemie's trial came on, the attorney-general rested his case on an English statute of Henry VIII. asserting the crown's supremacy in ecclesiastical affairs, the private instructions to Lord Cornbury, the English uniformity of worship act, and the English penal laws against conventicles. These statutes were all leveled against Romish recusants, and were restricted to England, Wales, and Berwick-upon-Tweed. Makemie's counsel contended that these acts had no operation here, and they rested on the New-York "Charter of Libertys,"[1] which provided for absolute religious toleration. The attorney for the crown suggested

[1] Vol. I, pp. 406, 407, of this work.

that the "Charter of Libertys" had been disallowed, which was the fact; but not being prepared to prove his assertion, the defense had the benefit of the act. The counsel for the crown moved that as the accused admitted the fact, the jury should bring in a special verdict, as they were not judges of the law. Chief Justice Mompesson charged the jury that if they "chose to bring upon themselves to judge the law they might do so, or bring it in specially." He had some doubt how far the governor's instructions had the force of law. The jury promptly found the defendant not guilty. This case added another link in the chain of guarantees for personal liberty. It extended the province of New-York juries decidedly beyond the contemporary practice of England. There were other notable cases during this epoch, which will be noticed at the proper time.

THE BILLOP RESIDENCE ON STATEN ISLAND.[1]

Under Lord Cornbury's government the Court of Chancery in New-York was to proceed according to the method of the High Court of Chancery in England.[2] The early establishment of an equity court had an ameliorating effect upon the rigor of proceedings at law, which were then very technical and arbitrary. The mere fact that the court was established gave a reserve force to legal administration which cannot be overestimated. But the Court of Chancery, as established by ordinance, was obnoxious to the people of the province: the searching character of its inquiries, the multiform relief which could be obtained there, and, above all, the absence of juries, combined to render it a hated institution. Its maintenance as organized without act of assembly finally became a spirited political issue between the popular party and the governmental party in the province. Many other causes contributed to make Lord Cornbury's government an extremely unpopular one: his efforts to establish the Church of England, his assertion of the fullest ecclesiastical jurisdiction as exercised in England over education and benefices, although according to his instructions from the crown, were wholly inconsistent with the liberty of the people and the measure of self-government which the province had already determined on. It is not an exaggeration to say, therefore, that the germs of independent government can be detected in the spirited

[1] The above illustration shows the residence of Christopher Billop, on Staten Island. He represented Richmond County in the provincial assembly. During the occupation of the island by the British, previous to the Long Island campaign, this house served as headquarters to General Howe. EDITOR.

[2] See his Ordinances, 2 Rev. Laws of N. Y., 1813. Appendix VIII.

assertions of the people of New-York as early as the beginning of the eighteenth century.

It is unnecessary to our subject to follow, at this time, the details of the administrations of the various royal governors, lieutenant-governors, and presidents of the council succeeding Lord Cornbury. Under some of them important political events took place, and under all of them there was an assertion by the assembly and the people at large that this was a quasi-independent state, entitled to the same full measure of liberty enjoyed in England. Indeed, in some instances the political claims of the more sturdy already went beyond those of their most advanced kinsmen in England. It seemed by the nature of things to be reserved to this country to work out the more logical sequence of the earlier achievements of Englishmen in the region of constitutional law.

At the death of Governor Montgomerie, who succeeded Governor William Burnet in 1728, the government of New-York devolved on Rip Van Dam, Esq., as president of the council. The latter was an opulent merchant and a native provincial of Dutch descent. Van Dam had held the government some thirteen months, when Colonel Cosby, previously the Governor of Minorca, arrived out as Governor of New-York. Colonel Cosby brought with him the king's order, dated May 31, 1732, for an equal partition between himself and Rip Van Dam of the salary, perquisites, and emoluments received by the latter during his administration. Mr. Van Dam astutely offered to accede to the king's order provided Colonel Cosby would divide his official receipts during a like period — some four thousand pounds in excess of those received by Mr. Van Dam.

This dispute led to an assault on the entire judicial establishment of the province, and turned public attention very pointedly to the nature of the government as then constituted. In some measure it contributed to the expression of party doctrines which culminated in revolution. Governor Cosby could not enforce his demand against Mr. Van Dam in chancery, for the governor was *ex-officio* chancellor, and might not be the judge in his own cause. In an action at law Governor Cosby dreaded the verdict of a New-York jury, for Mr. Van Dam was a popular citizen, and New-York juries had begun to take into their keeping the people of their own country. The ingenuity of Cosby's legal advisers prompted him to proceed against Van Dam in the Supreme Court, not according to the usual course at common law, but by bill in equity, on the theory that the ordinances erecting the Supreme Court[1] and the judges' commissions authorized the justices to sit as barons of the Exchequer, who in England heard causes in equity.[2] It will be recalled that the Supreme Court of New-York then

1 See Vol. I, Chap. XIV. 2 3 Blackstone's Com., 44, 427.

had (and now has, for its jurisdiction is only a continuation) the jurisdiction possessed by the English Courts of King's Bench, Common Pleas, and Exchequer. To facilitate this theory of the governor's, an ordinance was promulgated on December 4, 1732, enabling the Supreme Court judges to appoint sittings of the Court of Exchequer as they or any of them might direct.

Before the case of Cosby *vs.* Van Dam, the Supreme Court of New-York had not exercised an equity jurisdiction, all such matters being relegated to the Court of Chancery. It was now proposed to establish the equity chamber of the Court of Exchequer. Mr. Van Dam's counsel, in order the better to maintain their client's counter-claim, presented a summons in an action at law to the clerk of the Supreme Court, but this official refused to seal a writ to run against the governor. They then applied to the Supreme Court justices for a letter directed to the governor, in a manner analogous to the practice in England when a peer of the realm was defendant. This the judges refused as unprecedented. Meanwhile the attorney-general had proceeded against Mr. Van Dam in equity to a commission of rebellion, and he was compelled to appear in equity in the exchequer chamber of the Supreme Court. His treatment awakened great popular sympathy. His counsel, James Alexander and William Smith, filed a plea of exceptions to the jurisdiction, which evince that they went to the extent of questioning the governor's right to establish by ordinance, independently of the New-York assembly, courts of justice in the province. They further argued that there was no equity jurisdiction in the Supreme Court of New-York, which had only the jurisdiction common to the three great English law courts, the King's Bench, Common Pleas, and Exchequer, and not their collective jurisdiction. These exceptions were overruled by Justices De Lancey and Philipse, although the chief justice, Morris, dissented, in an opinion which expressed the political creed of the popular party in the province. This opinion denied the right of the king to erect any court of equity.

At a later stage the equity branch of the Supreme Court, thus asserted, seems to have fallen into disuse, and Mr. Wyche, in the first work on the practice of the New-York courts, claims for the Supreme Court only the legal branch of the jurisdiction of the English Court of Exchequer. In the case of Cosby *vs.* Van Dam the Supreme Court incidentally passed on another important question, for they held that the demise of the king did not determine the ordinances of the governors of the province. The court certainly did decide also that the king had a right by ordinance of the royal governors to erect courts of judicature in the province of New-York. In the preceding volume[1] it was pointed out that, though disputed in New-York, this power was

[1] Vol. I, p. 562.

undoubtedly allowed by the colonial constitutions of that time. Lieutenant-Governor Colden said, in a letter to Lord Halifax, dated at New-York, December 13, 1764, that the arguments against such a prerogative were all founded on what the king could do in England, and conclude that the king can do nothing in the colonies which he cannot in England; and he added, "If this were true it must be subversive of every government in the Colonies."

Governor Cosby was so much exasperated at the dissenting opinion of Chief Justice Morris that, in an unguarded moment, he removed him from the chief-justiceship and appointed Judge De Lancey in his place. This imprudent act, without the advice of the council, added to the general excitement in which the province was thrown by the majority decision in Cosby *vs.* Van Dam. Morris, induced by the injustice of his removal to seek an ascendancy in the assembly, was promptly elected to represent his county of Westchester, and his son was elected a burgess of the incorporated town of Westchester. In this election party spirit ran so high that when Judge Morris arrived at the capital he was welcomed by a salute of cannon and a public entertainment. Judge Morris now became the leader of the popular or democratic party of the province. The acrimony of the canvass found expression in Zenger's "New-York Weekly Journal," which, in addition to the "freshest advices foreign and domestic" announced in its advertisement, contained matter highly offensive to the governor, and which finally became so intolerable that Zenger's prosecution for libel ensued.

After Judge Morris's election every measure of the government was contested in the assembly. Petitions praying relief against the new Court of Equity established in the Supreme Court were addressed to

[1] The above portrait was received too late to appear in its proper place. Colonel Robert G. Cosby writes from Stradbally Hall, Queens County, Ireland, under date May 4, 1892: "I am sorry to have been so long in sending you the accompanying photograph, which is from an oil painting hanging in this house. In the catalogue of the family portraits I find it described as follows: — "Picture of His Excellency Gen. William Cosby, formerly Governor of New-York and Colonel of the Royal Irish Regiment of Foot, sixth son of Alexander Cosby of Stradbally Hall, and Elizabeth, daughter of Henry L'Estrange of Maystorm, in Kings County; married the Hon. Grace Montague, sister of George, Earl of Halifax, and died in his government in 1735. He left issue Henry, a captain in the navy; Elizabeth, married in 1733 to Lord Augustus Fitzroy, and Grace, married to Joseph Murray, Esquire, of New-York." It may be worth mentioning that the salaries of England's colonial governors have changed since Cosby's time. In 1892, Bermuda, with fifteen thousand party-colored inhabitants and two thousand acres under cultivation, pays three thousand pounds; Jamaica, about six thousand; Fiji, with its handful of white settlers, pays its governor five thousand pounds, and British Guiana the same sum, with a lieutenant-governor at fifteen hundred pounds. EDITOR.

the assembly. The petitions recited that it was well known "that the courts are not established by act of assembly as by the laws of England they ought also to be, especially the Court of Equity lately erected in the Supreme Court of this Province, which they take to be a grievance and destructive to the liberties of the people as it is now constituted." The petitioners asserted "that being inhabitants of the Province of New York, part of the dominions of Great Britain, they did take themselves to be entitled to the liberties of Englishmen." The petitions were brought into the house May 31, 1734. They contained a clear statement of the issue between the governed and the royal authority as exercised in New-York. The petitions were considered so important that counsel were introduced on the floor of the house to support them. The question was indeed a new question, for it involved the whole theory of the English domination in America. The popular party was asserting a principle of home rule, in maintaining that no act could be done here which was inconsistent with the principles of the English constitution and English liberty. Thereafter the struggle continued down to independence, but it is doubtful whether there was ever any clearer statement of the American position touching the English supremacy.

The party struggle finally ended in an order of the governor's council, dated November 2, 1734, directing that certain issues of Zenger's "New-York Weekly Journal" be "burnt by the hands of the common hangman." On the 17th of the same month Zenger was arrested, by order of the council, for printing seditious libels. He was subsequently brought by writ of *habeas corpus* before the Supreme Court, where his counsel contended for his right to be bailed, citing Magna Charta, the Petition of Right (3 Car.), the *habeas corpus* act (31 Car. II.); also the English provisions against excessive bail. Nevertheless, his bail was made so excessive that Zenger could not furnish it. Then the grand jury refused to find a true bill against him, and the governor directed the attorney-general to proceed without indictment, by information for a misdemeanor. The counsel for the prisoner filed exceptions to the "being of the Court," because the judges' commissions ran only during the king's pleasure, and not for good behavior as in England, and because they were granted without the consent of the council for the province. The exceptions went almost to the length of questioning the king's authority in the colonial government. The court promptly struck the names of the counsel filing the exceptions from the rolls of the court, saying, "You have brought it to that point that either we must go from the bench or you from the bar." The judges then assigned inferior counsel to the prisoner.

The populace became intensely excited, and when the day set for trial had arrived the counsel for the crown were more than matched

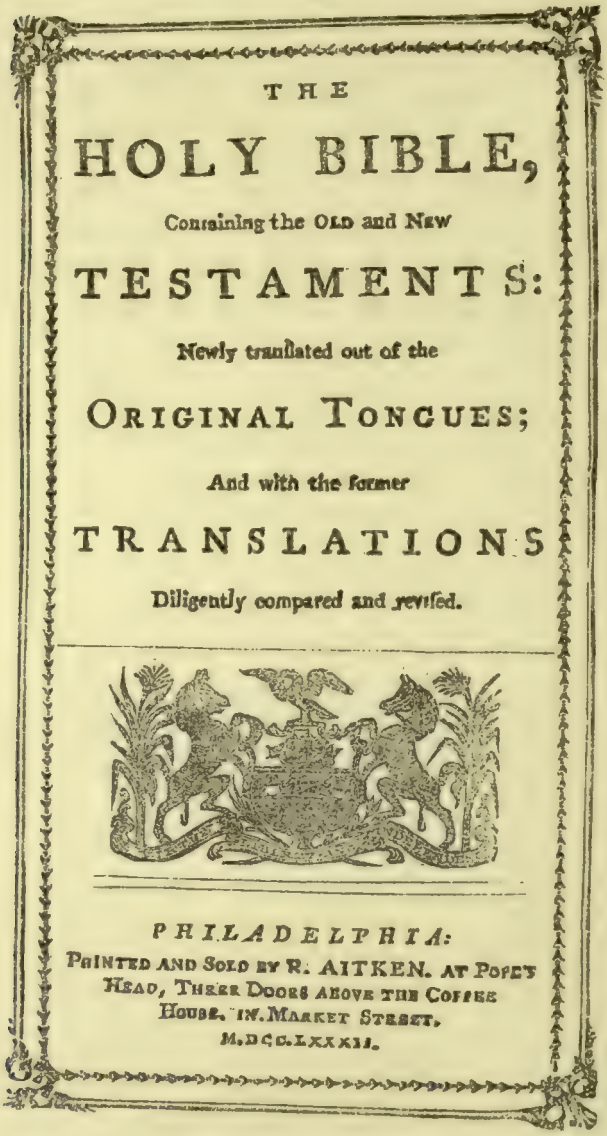
by Mr. Andrew Hamilton, the leader of the Philadelphia bar, who had been quietly brought over for the occasion and instructed by the disbarred lawyers. The case is fully reported in the English State Trials.[1] The libel being admitted, the attorney-general claimed a formal verdict, as he asserted it was the province of the court only to judge whether the matter was libelous, and that the truth was no justification. To this the court assented, but Mr. Hamilton, in an eloquent speech, contended against the doctrine, and maintained the right of juries to determine the law as well as the fact. Contrary to the direction of the court, the jury found for the defendant. This celebrated case was declared by Gouverneur Morris to be "the germ of the American Revolution"; but, as has been indicated, it was only a link in a chain of correlated events which were leading to revolution. As bearing on the constitution of the province of New-York and the state of the law, the case was of the utmost consequence. More than fifty years before Lord Erskine's eloquent arguments in support of the right of juries to find a general verdict in libel cases, and more than fifty years before the remedial statute to this effect[2] was enacted in England, a verdict of a common jury in the province of New-York had settled the law of New-York on this point in favor of liberty, and established here the freedom of the press. But this was not the only point where the law of New-York was in advance of that in England. In England counsel were not allowed to prisoners indicted for felony until the statute 6 and 7 William IV., c. 114, sec. 1, but the practice seems to have been uniformly otherwise in this province, a hundred years earlier. In England the origin of the excessive technicality of criminal pleading was largely due to the fact that the accused had no counsel in cases of felony.

Governor Cosby did not long survive Zenger's trial. Shortly before his death in the year 1736, his old enemy Judge Morris was instrumental in preferring an impeachment of the governor to the lords of trade. Lord Mansfield (then Mr. William Murray) appeared in support of the petition, but the lords of trade were of the opinion that the charges were insufficient to warrant the governor's removal.

In 1741 occurred one of the most shocking incidents in the history of New-York. Many persons, including an alleged Romish priest, were tried and condemned for complicity in the so-called negro plot to burn the city of New-York. The records of the proceedings indicate a great panic, rash procedure, and numerous hasty executions by burning and hanging. When the public calm was restored the people looked back in horror to find that so great a number of persons had been executed. No other incident in American history affords better evidence of the necessity of a calm review of criminal trials by delib-

1 Vol. XVII, p. 675. 2 32 Geo. III, c. 60.

erate appeals and an accurate and formal criminal procedure. The only satisfaction a retrospect of these trials furnishes is that they were a direct result of the baneful institution of slavery, and not a result of anything vitally defective in our own early legal institutions.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M,DCC,LXXXII.

One of the last of the great legal controversies which took place before the War of Independence was intimately concerned with the constitutional rights of the people of the province of New-York. From 1755–56 until the year 1763 the struggle between France and England for the mastery in America was depending. This struggle concerned one of the greatest of all political questions which have yet arisen on this continent, "Should its civilization, customs and laws be those of France or of England?"[1] The solution, at a cost to England greater than the American Revolution, has led, or must lead ultimately, to the solidarity of North America. Amidst the din of the conflict just indicated was begun another very celebrated litigation, styled the case of Forsey *vs.* Cun-

[1] Governor Seymour, "Magazine of American History," 3 : 223.

The Aitken Bible, of which the above is a facsimile of the title-page from the original in the possession of the Editor, is much rarer than the Mazarin or Gutenberg Bible. It was the first English Bible printed in the New World. Only some six or seven copies are known. One of these may be seen in the Lenox Library. An imperfect one was sold at the dispersion of the Brinley collection, and since that time a thousand dollars has been paid for a copy of this small 12mo Bible.

EDITOR.

ningham. It also concerned the integrity of trial by jury in the province of New-York, or rather that feature of trial by jury which related to the legal effect of the jury's verdict. On October 26, 1764, a New-York jury rendered a verdict against one Cunningham for one thousand five hundred pounds damages and costs in an action brought by one Forsey for assault and battery alleged to have been committed by defendant. Only five hundred pounds actual damage was proven, and the balance was "smart money," or exemplary damages. The defendant moved to set aside the verdict as excessive, and the motion was denied. Under the prevailing practice the remedy was then by a writ of error in common-law cases, returning a bill of exceptions into the Court of Appeal of the province, which could review the errors of law but not inquire into the correctness of the verdict of the jury. The defendant's agent, conceiving that the thirty-second instruction to General Monckton, then the governor of the province, had changed the practice by permitting an appeal in common-law cases whereby the court could investigate the facts found by the jury, tendered a petition of appeal accompanied by a bond for double the amount of the judgment. This petition the justices of the Supreme Court refused, as impertinent and unprecedented.[1] The governor, as chancellor, then granted a writ of inhibition staying all proceedings on the verdict, and subsequently, by mandamus, the Supreme Court was directed to send up all the proceedings in the case. The result of this litigation was watched with great interest by the inhabitants of New-York, as the real question was thought to involve the right of the crown agents to reverse or examine the verdicts of New-York juries who could be trusted to stand firmly against tyranny. To review a verdict by appeal was thought something new and sinister. Appeals in English law had been borrowed from the civilians. When the review was by writ of error, the facts found by a jury could not be disturbed except by proceedings which grew out of the obsolete writ of attaint, the progenitor of the modern motion to set aside the verdict as against evidence. The instructions to Sir Danvers Osborn, as governor of New-York, first contained directions for appeal in common-law cases, and were deemed by the people of New-York to be in derogation of their political rights. The Court of Appeal of the province, on January 11, 1765, rendered a decision that no appeal could be taken in a common-law case, but the lieutenant-governor dissented. In the minutes of the Supreme Court of New-York for October 27, 1765, is a petition of Robert Ross Waddel, attorney in fact for defendant Cunningham, by which it appears that the defendant had petitioned the king to review the entire proceedings in New-York, and that the king, by an order in council, had referred it to the lords of the committee

[1] Aspinwall's Papers, Massachusetts Historical Society Publications, 10 : 540.

for hearing appeals from the plantations, who had reported that such appeal ought to be allowed, and the governor and council directed to remit the record below. This report the king had confirmed, and upon these facts the petitioner prayed an appeal to the king in council. The Supreme Court, zealous for their jurisdiction, requested Mr. Waddel to exhibit his authority to act for Mr. Cunningham, and upon its production they declared it insufficient, intimating that had it been sufficient, they had no authority to send up a record of a higher court. The final decision fell upon most grateful ears in the province, for already personal liberty in New-York was zealously watched, and the inhabitants were extremely intelligent in the conduct of all political or semi-political questions, including those which were as indirect in operation as the legal effect of judicial decisions.

Having now followed briefly some of the important trials which had a salutary effect upon the constitution of the province, it would seem next in order to take a brief survey of the state of the legal and governmental institutions of New-York about the year preceding the outbreak of the War of Independence. We can thus better contrast their continuity, or the degree of change effected in them by the Revolution and the ultimate political independence of the province. In the preceding volume (Ch. XIV) the form of the jurisprudence of New-York was outlined as far as the year 1700, but since then it had assumed greater completeness; and by the year 1775 the bar and bench had brought its administration to a high degree of efficiency, as is often realized by those who have occasion to undertake the examination of old colonial records, patents and other legal instruments. The positive law of the province in 1775 consisted of the acts of the assembly of New-York, the statutes of England in which New-York was expressly mentioned or included, and certain acts passed in England before New-York had its own legislature, and confirmatory or declaratory of the common law. In practice, the judges seemed to exercise an arbitrary discretion in determining what English statutes were in force here. William Smith, the colonial historian of New-York, and a lawyer of prominence intimately acquainted with the subject, writing in the year 1732, said that "the state of our laws opens a door to much controversy. The uncertainty with respect to them renders property precarious, and greatly exposes us to the arbitrary decisions of bad judges. The common law of England is generally received, together with such statutes as were enacted before we had a legislature of our own. But our courts exercise a sovereign authority in determining what parts of the common and statute law ought to be extended.... In many instances they have also extended, as I have elsewhere observed, even acts of parliament passed since we have had a distinct legislature, which is adding greatly to our confu-

sion."[1] The complaint of this colonial lawyer was not a solitary one, but in that day they reflected little on the difficulties of importing a ready-made jurisprudence from the country of its origin. At a later stage of colonial development there was a general rule observed in English colonies: namely, that in colonies settled by England the English statutes passed prior to the settlement of the colony, and in conquered provinces those statutes passed anterior to the edict putting in force the laws of the conqueror, prevailed. Until this rule was applied — and it possessed its exceptions, for not all anterior statutes were in force, but only suitable ones — there was naturally much confusion on the subject, which all the authorities admit and deplore. Yet in practice the early bar of New-York knew the working application of the rule, and as statutes were determined to be in force, the law of the province assumed a more settled state. In Forsey *vs.* Cunningham, Chief Justice Horsmanden (himself a reviser of the New-York laws) stated what was unquestionably the true rule on this subject in New-York prior to the Revolution: "That the Supreme Court proceeds in the main according to the practice of the courts at Westminster; and the common law of England with the statutes affirming or altering it before a legislature was established here, and those passed since such establishment expressly extended to us, with our legislative acts (which are not to be repugnant to the laws of England), constitute the laws of this Colony."[3]

Wm Bradford[2]

In addition to the English statutes indicated by Chief Justice Horsmanden, there can be no question that the English common law furnished the general rule, or that it was the common or unwritten law of the province of New-York. Nor can there be any question, as shown in the former volume of this history (Vol. I, p. 543), that the Dutch jurisprudence had been substantially displaced by the English. Yet it would be idle to deny what has been affirmed by many wise lawyers then and since, that portions of the more ancient Dutch law of

1 Smith's "History of the Province of New York," 1 : 309 (reprint of 1829).

2 There is unfortunately no portrait of William Bradford, New-York's first printer, the above being a copy from a miniature of his grandson, the patriot printer of the Revolution and the major of Colonel John Bayard's regiment. His life was written by his grandson, John William Wallace, and published in 1884. *Vide* note on page 284. EDITOR.

3 See, to the same effect, Governor Tryon's report in 1774, "Doc. Hist. N. Y.," 1 : 754.

the province remained in theory of limited effect down to the War of Independence. The opinion of Sir John Randolph, a very eminent Virginian lawyer of the last century, given about 1733, on the case of Cosby *vs.* Van Dam, truly states "that as New York was a conquered country it is very probable something may have been stipulated between the crown of England in behalf of the subjects of Holland which were left there in possession of their estates and so became subjects to England. If there was any such treaty that must be looked upon as the fundamental law of the Province." The nature of the stipulation alluded to by the Virginian has also been discussed in the preceding volume (Chapter XIV). But in addition to the Dutch law reserved by the "Articles of Surrender," there was (pursuant to a principle or canon of all systems of recognized jurisprudence) a certain vague and undefined substratum of Dutch law left standing, for the laws of the conquered always remain in force until expressly abrogated by the conqueror. In the outline of the laws of the preceding century the course of this gradual abrogation of the Dutch common law was noticed. Yet limited portions of the Dutch law, by the very force of this fundamental canon of jurisprudence, remained lurking in the law of New-York after it had been long an English province. It is evident that such portions of the Dutch law would be of very limited application, and would affect, in the main, the rights in particular pieces of property originally held by Dutch subjects under Dutch ground-briefs before the capitulation of 1664. The total absence of any systematic colonial law reports prevents our determining precisely how the English courts of the province, other than the probate courts, dealt with this branch of the law of New-York prior to the Revolution. The courts of New-York, in this century and under the State government, have, with no very great consistency of principle, occasionally given effect to a limited portion of the ancient Dutch law of New-York, in a manner which enables us now to determine that only the isolated portion of such original Dutch law denoted was, after the year 1674, recognized by the courts of the province. As there are no reports of cases on this subject during the colonial epoch, it is not necessary to speculate further on this branch of the jurisprudence of the province.

In addition to the portions of the English common law in force here, the main source of law in the province of New-York prior to the Revolution was the legislative assembly of the province. Within its own sphere of action the laws enacted by this body were as effectual as acts of the parliament in England. From the year 1691 the acts of assembly are in print, but the collections extant are extremely incomplete. After the year 1694, the laws were printed session by session. Bradford the printer continued, as the laws were struck off, to make

the pagination of the sheets successive, and the members bound them according to fancy, so that some of the earlier volumes now extant contain more laws than others. In the year 1710 the legislature directed William Bradford to print all the laws in force "since the arrival of Colonel Sloughter";[1] but in 1741 the house still remarked how "incorrectly the laws of New York had been printed and bound up," and resolved to employ Mr. Horsmanden, afterward the chief justice of New-York, to revise them. This he failed to do, and in the year 1750 another act "to revise, digest, and print the laws of the Colony"[2] was passed. The latter act also recites that the laws of New-York had from time to time been "very incorrectly printed and irregularly bound up." The first volume of this revision was made by Messrs. Livingston and Smith, and was published in 1752, and the second in 1762. The revisers announced that they had omitted many acts which they had been unable to find, and censured the earlier editions for containing "acts which have been practiced upon that were never passed by the whole legislature," and for omitting others duly passed. So bad was the condition of the printed laws, in part probably due to the power reserved to the crown of rejecting all acts of assembly after an examination, that in 1753 the lords justices of England recommended a codification of all the laws of New-York. But the assembly declined this proposition on account of the expense incurred in the Livingston and Smith revision.[3] The last revision prior to independence was undertaken by Peter Van Schaack, pursuant to an act of assembly passed in 1772.[4] It contains, in addition to the laws included in Livingston and Smith's revision, the acts passed between 1753 and March 8, 1773.[5] The remaining acts of the provincial assembly, passed in the years 1774 and 1775, were published in one volume by the public printer, Hugh Gaine. The published laws, however adequate they may be for judicial purposes, do not accurately show the course of legislation in the province even after the year 1691, while they wholly fail to include the laws of the earlier assemblies, which had been enacted and approved in due form. Of nearly two thousand statutes passed between 1691 and the American Revolution, hardly one third have been published, while others not approved or rejected have been treated with the authority once accorded to a rescript of a Roman emperor. There is a great need, therefore, of a new edition of the colonial laws of New-York, similar to that undertaken in several others of the older States. In such an edition it would be possible to determine what acts had been rejected by the crown and the lord proprietor, and the fate of others only tentative or provisional. As it now is, the

[1] "Assembly Journal," November 12, 1709.
[2] Livingston and Smith's "Laws of New-York," 1: 443.
[3] "Assembly Journal," May 30 and June 1, 1753.
[4] Ch. 1543, Van Schaack's Laws, p. 676.
[5] 13 Geo. III.

subject is in much confusion, owing to the fact that the laws of a provincial assembly were like the by-laws of a private corporation—effectual only when they were authenticated in the manner prescribed by the fundamental law. So much for the form of the law in the province.

The substance of the jurisprudence of the province of New-York did not materially differ in theory from the contemporary law of England; but in practice there was a wide departure from many portions of the law of the older country which had no application to the conditions prevailing here. Such differences were slowly evolved by the courts or emphasized by the local legislature, yet the *rationale* of the English common law was always the animating element of the jurisprudence of New-York, at least after the overthrow of the Dutch jurisprudence in the manner pointed out in Chapter XIV of the preceding volume. Mr. Smith, the historian, himself a member of the New-York bar, said in 1756, "the laws of our mother country have gradually obtained here."[1] This is, however, a general statement which requires the modification indicated. For example: the law of real property and the methods of conveyancing were essentially different in this province from the practice of England. In some manner many other institutes of the law had, either from accident or design, acquired a local flavor which denoted the beginning of a separate and particular jurisprudence.

It was not, however, to the changes in the form of the law introduced here that the best work of the assembly was directed. Throughout the entire period of its existence the assembly of the province was occupied in a struggle with the English governing authorities for legislative supremacy. The "Charter of Libertys" of 1683 had asserted the doctrine of "taxation only by consent," from which there was no recession. After 1691 the assembly made a stand for their right to dispose of the revenue of the province through officers of their own selection, and exhausted themselves and their ingenuity in combating demands for a permanent revenue to the crown. In order to secure frequent assemblies and elections by the freeholders of the province they constantly refused appropriations beyond a year's requirements

[1] Hist. N. Y., 1: 320.

of the crown government. They resisted all blandishments and bribes, and stood so boldly for the principles of home rule that, as Governor Hunter wrote to Dean Swift, "the Assembly claimed all the privileges of the House of Commons." When the crown finally demanded a permanent revenue, "solid, indefinite, and without limitations," the assembly and not the crown was victorious, and the demand was withdrawn. Nowhere else did the colonial prerogatives of the crown meet with a more determined and obstinate resistance than in the New-York assembly. Indeed, as has been well said by a most acute writer, the sum of the entire political philosophy of New-York prior to the Revolution was "that England having granted New-York a representative assembly was bound to abide by the logic of that grant as it was illustrated and enforced in the history of her own Commons."[1] In these efforts New-York was in advance of the other American colonies. Thus it happened that whether the question took the form of the crown's right to establish courts in New-York without an act of assembly, or of objections to a permanent revenue or to the tenure of the local judiciary, the assembly always stood for the highest conceptions of representative government. In these positions they were consistent advocates of a local autonomy, and stood shoulder to shoulder with the more advanced thinkers on political questions elsewhere, who never admitted the abstract right of the English parliament to extend the operations of its acts to territories unrepresented. This consistency is the highest title to distinction of the New-York colonial assembly, and it is inconsequential, even if true, as asserted by the colonial historian Smith,[2] that they refrained from much meddling with the common law of England through a sense of their incompetence and ignorance — a result Mr. Smith thought highly advantageous to the condition of the jurisprudence of the province. The extent of the power of the legislature of the province to punish a contempt of its authority has been much discussed,[3] without noticing the case of Christopher Den in 1708, when the New-York assembly punished vigorously a slight interference, committed beyond the precincts of the house, against the liberty of a member.[4] In practice the assembly of New-York assumed such powers of parliament as were essential to efficiency and freedom of action.

The judicial establishment of the province at the outbreak of the Revolution continued on the footing of the preceding century. The courts of the justices of the peace for the trial of small causes had stood from the year 1683. The jurisdiction of the courts of common pleas in the city of New-York could be traced back even to the

1 S. N. Dexter North's "Constitutional Development of New York," Mag. Amer. Hist., 3: 161.

2 Hist. N. Y., 1: 320.

3 People *ex rel* McDonald *vs.* Keeler, Sheriff, 32 Hun. 563.

4 Journal of N. Y. Assembly, October 15 and 22, 1708.

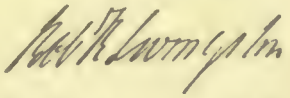
Dutch epoch; the Supreme Court, which was the main law court of the province in causes involving more than twenty pounds, owed its jurisdiction to the ordinances of the royal governor referred to in the preceding volume of this work.[1] The Court of Chancery had been established in 1683, and continued in like manner with the Supreme Court. The Court of Appeal in the province consisted of the governor and council, and had an appellate jurisdiction after 1753 in all cases involving five hundred pounds or more; prior to the year 1753, in all cases involving one hundred pounds or upward. In suits concerning the English Church, the appellate jurisdiction was not, however, restricted in amount. In addition to these courts were the courts of admiralty and the prerogative court with its probate jurisdiction. Both of the latter courts had at the outbreak of the Revolution been established for more than a century, and their respective maritime and ecclesiastical jurisdictions were entirely clear and defined.[2] The jurisdiction of the high law courts of the province was coextensive with that of the great English courts whose powers had been assigned to them as an exemplar; whilst that of the Court of Chancery of New-York was similar to that of the High Court of Chancery in England. Thus the judicial establishment of the province of New-York was simply that of England in miniature. It was an easy solution of all difficulties thus to invest these courts with the established common-law jurisdictions of the ancient courts of England.

Any account of the judicial establishment of New-York would be remiss in failing to point out that both the great courts of the province — the Supreme Court and the Court of Chancery — stood upon the footing of an ordinance of the royal governor, and owed their respective jurisdictions to the royal prerogative. While this power was always violently disputed in the province of New-York, where it was asserted that after the establishment of representative government the king could not erect courts of judicature without consent of the provincial assembly, yet even to this day the fundamental jurisdictions of the courts of New-York have no better origin than that indicated. Those who reasoned on the side of the crown's power asserted that by erecting courts in the colonies the crown did not claim the right of enacting the jurisdictions of such courts or the laws by which they were to act. The crown merely named the court and the judges; the jurisdiction was settled by the laws of the realm and by immemorial usage. Such a course of reasoning undoubtedly guided

1 Vol. I, Chap. XIV.

2 For a general view of the provincial courts of New-York, see Daly's "Judicial Organization of the State," I; E. D. Smith's "Reports," p. xvii; Street's "New-York Council of Revision"; "New-York Civil List" of 1867, and 19 "Albany Law Journal," pp. 66–489; also Paine and Duer's "Practice" and Graham's "Treatise on the Organization and Jurisdiction of the Courts of New-York."

those who first established the provincial courts, and led to the transfer of settled, rather than novel, powers and jurisdictions. While this line of argument answered very well in the case of the common-law courts, it was thought not to apply to the more undefined jurisdiction of the Court of Chancery in New-York; and in the case of Cosby *vs.* Van Dam (cited above) this distinction was taken by counsel, and it was urged that the king, by the common law, could not erect courts of equity by ordinance, some very ancient English authorities touching the prerogative being cited in support of this distinction. But by the time of the American Revolution it was tolerably well agreed that the crown[1] could erect courts of equity in the colonies without the assent of the legislature of a crown province. In any event, as thus erected by ordinance, the great courts of the province passed into the new order of things brought about by the War of Independence.



In all these tribunals except the chancery, trials by jury were demandable of right, and even in the justices' courts, empowered to try all causes to the amount of five pounds currency, juries of six men might be demanded by either party. The courts of criminal jurisdiction also corresponded to those in England. The Supreme Court exercised it in the city of New-York, as the King's Bench did at Westminster, and when the justices of the Supreme Court went the circuit they carried commissions of Oyer and Terminer and general jail delivery. In addition to these courts, courts of sessions were held by the justices of the peace, the powers and proceedings of which corresponded with the like courts in England. By an act of the legislature of the province any three justices of the peace had a summary jurisdiction to try, with or without a jury, a party held for any offense under the degree of grand larceny, and to inflict punishment for small offenses where the party could not find bail within forty-eight hours.

The jurisdiction of the provincial courts thus established, as has been already pointed out, did not differ materially from their English prototypes. The Supreme Court, as the King's Bench of the province,

[1] Since the beginning of the present century the power of the crown to erect courts which do not proceed according to the course of the common law in the colonies is denied. (See Forsyth's "Opinions on the Constitution," p. 272.) Before this the opinion was otherwise. (Chalmers's "Colonial Opinions," p. 194; Forsyth, "Opinions on the Constitution," p. 169.)

issued the great prerogative writs, and its justices had the superintending authority of the supreme justiciars in England. The works on practice and jurisdiction current in England in the last century were of equal authority here, and the courts of the province followed their principles in taking cognizance of causes. The Court of Chancery of the province had the judicial powers of the English court, but not the powers which the lord high chancellor exercised as a great officer of state. After the establishment of the State government, there was much discussion and some divergent opinions touching the extent of the jurisdiction of the original Court of Chancery of New-York.

The chief justice of the Supreme Court was always a salaried official, and after 1702 had certain perquisites. The associate justices were ultimately paid in like manner. The Court of Chancery was held at first by the governor and council or the law members of the council, but subsequently by the governors alone. Many of the latter were entirely inadequate to the performance of the duties of chancellor, but as they were assisted by a corps of professional masters, examiners, registrars, and clerks, the usual officers in the English courts of equity, the governors managed to perform the routine duties of the office. It is a very interesting fact that though many of the English colonies had no court of chancery, this institution was established in New-York as early as 1683, a time when few of the leading doctrines and edicts of the English Court of Chancery — which has done so much to ameliorate the conditions of English civilization — had been formulated; so that the establishment of the court in New-York actually preceded the era of the great English chancellors Nottingham, Somers, Cowper, Macclesfield, Hardwicke, and Eldon. While many of the provincials questioned the propriety of the erection of this court by royal ordinance, they often admitted the advantages of the court by attempting to fix its jurisdiction by acts of assembly, and finally by permitting this tribunal to survive the War of Independence. In this course they recognized the nature and growth of the early forms of English jurisprudence, which depended on two forces — the rule and the exception. The common-law courts dealt with the rule, the chancery courts with the exception. From these two elements was finally evolved a consistent and rational principle combining law and equity. Irrespective of the actual work accomplished, the mere existence of a court of chancery in an English-speaking state in the seventeenth and eighteenth centuries operated potentially as an amelioration of the rigors of contemporary law. It would not be singular if these subtle forces, operating so early in New-York, ultimately led to its preëminence in the field of equity, where it accomplished most toward the development of the jurisprudence of the United States.

The tenure of the judiciary of the province was regarded by the people of New-York as a weak point in the governmental establishment, for so long as the judges were appointed by the crown or its delegates, without the consent of the local government, so long the judgments of the tribunals would at times be regarded with suspicion in the province. But the astuteness of the assembly did something toward remedying this defect, for by a series of resolves (not acts of the legislature) they fixed the compensation of the judges and attorney-general for short periods and in a manner which operated as an easy check on the pro-prerogative tendencies of these gentry. At the death of King George II., October 25, 1760, the commissions of the judges were thought to have expired, and as they held them then during good behavior, or *quamdiu bene gesserint*, it was an anxious moment in the province. The chief-justiceship was then vacant by the death of De Lancey, who had held office under a commission during good behavior. The lieutenant-governor, Colden, seized the occasion to strengthen the crown, and offered to renew the commissions of the junior judges to run during the king's pleasure, which was declined. Benjamin Pratt, of Boston, an accomplished lawyer, was accordingly made chief justice, but as he was a stranger to the local practice and the junior judges refused to sit with him and the assembly to grant him a salary, he soon returned to Boston. Owing to the fact that the province was greatly inconvenienced by the want of courts, the old judges finally accepted commissions to run during the king's pleasure. The commissions continued so to run until the War of Independence.

THE FLY MARKET.[1]

As the constitution and laws of the province were materially influenced by the courts of justice, the nature of the judicial establishment has been indicated. The extent of its power in molding institutions is perhaps best illustrated by the manner in which that most famous writ in English law, the great writ of *habeas corpus*, was domesticated here. It was said that the *habeas corpus* act (31 Car. II.) did not extend here;[2] but as early as 1689, in the case of Philip French, committed to prison by Leisler, the writ was issued, and it finally became a common practice (as in Makemie's case cited) to issue

[1] The Fly Market was located at the foot of Maiden Lane. ED. [2] Doc. rel. Col. Hist. N. Y., 3: 357.

the writ here, thus justifying the statement of Hallam,[1] that the *habeas corpus* act was only a declaratory act, "and introduced no new principle nor conferred any right upon the subject."

By the time of the Revolution the practice in the law courts of New-York and the jurisprudence of the province had assumed in some aspects a character of their own, some features of which were first formally pointed out in the year 1794 by William Wyche, formerly of Gray's Inn, London, in his "Treatise on the Practice of the Supreme Court of Judicature of New York."

Toward the end of the provincial epoch the members of the bar of the province had come to enjoy a very high character, and to recall their excellence it need only be remembered that they were the preceptors of some of the founders of the federal government and of nearly all the distinguished leaders of the bar of New-York prior to the year 1800.

WASHINGTON'S HEADQUARTERS AT NEWBURGH.

A complete history of the bar of the last century would be almost the history of independence. Long ago, in language which has since been adopted by far higher authority,[2] the writer of this chapter pointed out that the lawyers of the colonies were of necessity better fitted for constitution-making than any body of legislators in the world. This fitness was due to the fact that their whole professional vocation had been concerned with the process of adapting old laws to new conditions. The English colonial law consisted largely of a series of acts and decisions dealing with new social and political factors. The daily problem of the early American lawyers, therefore, was how to treat best the new conditions of society. Necessarily they had more constant reference than the English lawyers of that day to the speculative writings of those philosophic legists who dealt with abstract problems of legislation, government, and the philosophy of history. But their speculations were tempered by sound canons found in English law only, and such speculations, therefore, were restrained within proper limits.

[1] Hallam's "Constitutional History of England," 3:19.
[2] "Constitutional History as seen in American Law," p. 23.

Thus it was that the colonial lawyers were unconsciously fitted to be legislators by the very vagueness of the fundamental canon of all English colonial law, namely, that the old jurisprudence must be suited to the new conditions of society before it could have precise application here.

At the outbreak of the American Revolution, the bar of New-York, both politically and socially, was the most influential class of residents in the province. Combined with the large landholders, whose originally wild estates had become valuable and tenanted by force of their natural advantages on the waterways, the lawyers formed the nucleus of a political oligarchy which survived independence. Resident mainly in the colonial trading and seaport capital, the lawyers of New-York, as befitted their surroundings, were simple in their demeanor and habits, and did not even follow many of the other colonies in adopting wigs and gowns or any other distinctive professional dress. They never obeyed a rule of court of 1765 requiring counsel to be habited in the bar gown and band used by the English barristers. Indeed, for two hundred and fifty years—so long that it ought to have become a tradition of dignity here—neither the judges nor practitioners of New-York wore any peculiar professional habit in the New-York courts. The usual preparation for the provincial bar was a college education and three years' apprenticeship, or, without the college education, seven years' service under an attorney. Licenses were granted, on the recommendation of the chief justice, by the royal governor. In the lower courts the requirement for attorneys was even less, and Mr. Smith, the colonial historian, deplores the too widely opened door. But, as at present, the real faculty of advocates was graded upon attainment, which subsequent to admission regulated itself.

The practice of the courts of the province, while modeled after the English courts, differed, as has been already intimated, in some particulars, and was in reality more simple. Justices of the Supreme Court, like the English justices, went the circuit, and, until the year 1741, when an act of assembly obviated the necessity to some extent, carried the authority of itinerant English judges in the form of special commissions of the peace and *nisi prius*, as well as commissions of Oyer and Terminer and jail delivery. The act of 1741 did not affect the latter commissions, which continued to be issued until the establishment of the State government. The sessions in banc of the Supreme Court were held within the city of New-York in the old City Hall. The Court of Chancery was generally held in the fort.

But we are not left to the deductions of historians for an account of the state of the civil institutions of the province at the end of the British domination. A report of Governor William Tryon, who was

the last crown governor recognized by the people of New-York, made to the lords of trade in June, 1774,[1] contains a very excellent *précis* of the institutions then existing in New-York. In answer to an inquiry of the lords of trade, he reports that from the time of the accession of the Duke of York, New-York had been

a royal government and in its constitution nearly resembles that of Great Britain and the other Royal governments in America. The governor is appointed by the King during his Royal Will and pleasure by Letters Pattent under the Great Seal of Great Britain with very ample powers. He has a Council in Imitation of His Majesty's Privy Council. This Board when full consists of Twelve Members who are also appointed by the Crown during Will and Pleasure; any three of whom make a Quorum. The province enjoys a Legislative body, which consists 'of the governor as the King's Representative; the Council in the place of the House of Lords and the representatives of the People who are chosen as in England. Of these the City of New York sends four.—All the other Counties (except the new Counties of Charlotte and Gloucester as yet not represented) send two. The Borough of Westchester, the Township of Schenectady and the three Manors of Rensselaerwyck, Livingston and Cortlandt each send one; in the whole forming a Body of Thirty-one Representatives. The governor by his commission is authorized to convene them with the advice of the Council, and adjourn, prorogue or dissolve the General Assembly as he shall judge necessary. This body has not power to make any Laws repugnant to the Laws and Statutes of Great Britain. All Laws proposed to be made by this Provincial Legislature, pass thro' each of the Houses of Council and Assembly as Bills do thro' the House of Commons and House of Lords in England, and the governor has a negative voice in the making and passing of all such Laws. Every law so passed is to be transmitted to His Majesty under the Great Seal of the Province, within three months or sooner after the making thereof and a Duplicate by the next conveyance, in order to be approved or disallowed by his Majesty; And if His Majesty shall disallow any such Law and the same is signified to the governor under the Royal Sign manual or by Order of his Majesty's Privy Council, from thence forth such law becomes utterly void. A law of the province has limited the duration of the Assembly to seven years.

Jos. Reed[2]

At the date of the War of Independence, the city of New-York had long been the center of the political and commercial life of the province. Indeed, as the seat of the courts and the legislature, the residence of the leading crown officials, a garrison town, and, above all, as the chief mart and seaport of the territory, it was then relatively as important in the economy of the whole people of New-York

[1] Doc. Hist. N. Y., 1: 739–772.

[2] From an exceedingly rare collection of thirteen portraits of "American Legislators, Patriots and Soldiers," drawn from life by Du Simitière, and published by Richardson of London in 1783. The other portraits in the quarto volume, in possession of the writer, are Washington, Steuben, Deane, Morris, Gates, Jay, Drayton, Laurens, Thompson, Huntington, Dickinson, and Arnold, given in the order named, Reed being the fourth. EDITOR.

as it has ever been since. To be sure, its population had attained only to about twenty thousand, which was about one tenth that of the entire province; but among these twenty thousand burghers, the officials naturally counted for much more than one each. Since the beginning of the century the city had grown from five thousand to twenty thousand inhabitants, or fourfold, while the ratio of increase in the other parts of the province had been much greater.

SEAL OF 1777.

Until the year 1730 the city derived its corporate authority from the Dongan Charter of 1686, which, while confirming the prior charters and recognizing the city as an ancient Dutch municipality, had yet provided that no right or franchise anciently held or enjoyed should be inconsistent with or repugnant to the laws of England or the general assembly of the province. The Dongan Charter omitted to provide for the happening of vacancies during the municipal year, and in 1702 Lord Cornbury reported a bill passed by the assembly to remedy this defect. In 1708 a charter of importance to the corporation was granted, relative to certain dock and ferry rights and privileges. It seems that the Dongan Charter had been erroneously sealed with the ducal seal, although it was granted after the accession of the Duke of York to the throne. In the year 1730 the city fathers petitioned Governor Montgomerie to validate the defect in the sealing of the charter. They also requested that the mayor be empowered to appoint a deputy to succeed in case of the absence or death of the former; that the ordinances of the common council might remain in force for twelve months instead of three; and that the offices of mayor, recorder, sheriff, coroner, and town clerk might be made elective. The Montgomerie Charter granted all the requests except the last.[1] This instrument and the earlier Dongan Charter were founded almost entirely on English precedents, and the powers of the municipal officers are to be traced mainly in the history of English municipalities. The early charter of the city of New-York much resembles that of Norwich,[2] but as the sheriff was a county officer, the desire to retain in this position the old schout of the Dutch made the limits of the city of New-York conterminous with the county lines.

1 See an excellent paper on the charters of New-York, by Professor John Franklin Jameson, Mag. of Amer. Hist., 8 : 315, 598. 2 Mag. of Amer. Hist., 8 : 609.

The charter of 1730, known as the "Montgomerie Charter," was much longer lived than its predecessor. The later charter declared that the city should remain a "free city." It owed its effect to the royal prerogative, although the assembly confirmed it by an act passed October 14, 1732. In the sense that the city was to remain internally free from legislative interference, it never was free; yet the assembly of the province did not attempt to circumscribe the municipal jurisdiction as laid down in the charter, or to subtract from it any of its ancient privileges. In this sense the city was a "free city." The Montgomerie Charter survived the War of Independence, and was confirmed by the State constitutions of 1777 and 1821, although the latter rendered the mayor, sheriff, and coroner appointive by the common council of the city. Prior to 1821 they had been appointed at first by the royal governor, and next by the governor of the State and his council of appointment, on the day of St. Michael the Archangel, or September 29.

PITT STATUE.[1]

From 1686 down to the year 1804 the "freedom of the city" meant a great deal, and conferred upon its recipient, among other privileges, that of voting for certain municipal officers, and of being exempt from serving as juryman or assessor out of the limits of the free city. Thus, from the foundation of the city to the beginning of the present century the status of the freemen of the city of New-York was the most desirable one in the entire commonwealth, not excepting that of the city of Albany, which enjoyed similar privileges. In the thinly settled country outside of the city of New-York, the population was composed mainly of agriculturists when the War of Independence began. In fact, a decade after the war there were few urban communities of any size. Albany, although an ancient Dutch settlement, then contained hardly three thousand souls. There were, in addition to Albany, several shire-towns of importance in the province, and a number of market-villages, but even in these the population was largely agricultural in character. Outside of the manors, the farmers then generally owned their farms in fee simple, and were a fine stock of native provincials of English and Dutch descent, with a sprinkling of people of other nations—Huguenots, Germans, Scotch, and Irish. Owing, however, to the fact that the manor grants had at a very early day improvidently conveyed away much of the now accessible and

[1] The above illustration shows the condition to which the statue of William Pitt was reduced by the British soldiery. It excited their animosity because it had been erected by the citizens in recognition of Pitt's warm sympathy with their cause previous to the actual Revolution. EDITOR.

fertile lands, a large part of the population of the province were then tenant-farmers. It is difficult for us now to comprehend how much of the available wild forest-lands of the province had, for little or no consideration, been conveyed away in the seventeenth century to a few applicants of no particular distinction. Sauthiers's map of 1779 shows that of the lands near the water highways of New-York, nearly all the east bank of the Hudson was composed of the manors of Philipseborough, Scarsdale, Pelham, Morrisania, Fordham, Cortlandt, Livingston, and Van Rensselaer; or was embraced in the Rombout and Philipse patents. Much of Long Island was also patented. In several counties, notably Orange and Ulster, the lands were generally owned in fee simple by the occupants. In the manors the tenures were of the nature of leaseholds, which had greatly retarded the settlement of the province. Lord Bellomont, in the seventeenth century, pronounced the manor grants fraudulent; and as early as 1732, Cadwallader Colden, then surveyor-general of the province, said that where these large grants were made the country remained uncultivated. He adds: "And every year the Young people go from this Province and purchase Land in the neighboring Colonies, while much better and every way more convenient Lands lie useless to the King and Country. The reason of this is that the Grantees themselves are not, nor never were, in a Capacity to improve such large Tracts, and other People will not become their Vassals or Tenants; for one great reason as peoples (the better sort especially) leaving their native Country was to avoid the dependence on landlords, and to enjoy lands in fee to descend to their posterity, that their children may reap the benefit of their labour and industry."[1]

Notwithstanding the reasonable moral objections to the vast grants of territory to speculators who were not, as in some of the other colonies, persons of capital or influence in the Old World, and able to improve them, nevertheless by the year 1775 the manors had, owing to their greater accessibility to market, become very well tenanted. These manor grants of New-York evince strongly the tendency of men to reproduce old forms under new conditions. In deference to custom such grants contained a right — seldom or never exercised here — to hold courts leet and baron, which last was the essence of a manor in English law. Sometimes the grants conferred the right of advowson or presentation to church livings. Yet at the time the manor grants were thus drawn, in the correct and stereotyped phraseology of the ancient English precedents, only a few Indian nomads and wild beasts ever broke the silence of the primeval forests which densely covered these tentative manors. But in the eighteenth cen-

[1] Doc. Hist. N. Y., 1 : 384.

tury matters had greatly changed, and the descendants of the original manor proprietors had become the real capitalistic class in the province, and until the rise of the purely mercantile fortunes such proprietors largely monopolized the leisure necessary for political pursuits. They thus became influential politicians. Indeed, the relations of the proprietors to the crown authorities became each year more fixed and assertive, and to some extent these large landholders had before 1775 come to resemble the more influential members of the squirearchy and lairds of England and Scotland. Yet the ownership of a New-York manor conferred no peculiar privilege or political status on the proprietor, and no title of nobility, as it is sometimes erroneously said.[1] As the value of land increased, the influence and power of the large landed proprietors were augmented, and toward the middle of the eighteenth century, by alliances between the landed families and the more influential of the crown officers stationed in the province, they had come to have a sensible political interest which they exercised to the fullest extent.[2] But influence is a very different thing from privilege, and before the War of Independence there was no privileged class of freemen in the province. The jurisdiction of the crown, the sheriff, and the courts of justice was similar, whether in the manor lands or in the non-manorial lands of the province. In the War of Independence most of the manor proprietors espoused the cause of the Revolution, and their estates were saved to them. In this course they were entirely consistent, for in the provincial period they had joined in the constitutional efforts made to restrict the English authority within bounds which were consistent with the security of those dignities and liberties that the proprietors had been so fortunate as to attain in the new country. They had thus allied themselves with the best constitutional development from the earliest history of the province. But when the constitution of 1777 was formed, the interest of the landowners of the province was sedulously guarded, and by the thirty-sixth section of the constitution, all grants from the crown were expressly confirmed unless made

[1] De Lancey's "Origin and History of Manors in New York," p. 87.
[2] Smith's "History of the Province of New York in 1762," 2: 142.

after the 14th day of October, 1775.[1] Thus the sovereignty of the new State was intentionally hampered at the outset.[2]

By the year 1774–75 the relations existing between England and the American plantations had become very different from those of the prior century. The early English institutions, founded on feudalism, which depended wholly on contiguity between lord and feudatory, had not contemplated a transmarine empire. The vast intervening distance of this country compelled a total delegation of the paramount feudal and governmental authority; and as such delegation was necessarily written, these various writings came finally to serve here as constitutions, and by the year 1775 had accustomed Americans to the fundamental written charters which are now the chief characteristic of our political institutions of government. The main point of difference between the English and the American construction of these written delegations related to two subjects: the extent of the prerogative of the crown here, and the right of the inhabitants of the plantations to the entire public law of England, or that department regulating the relations between the English state and the people of the plantations. The most radical difference in a construction of the colonial constitutions related to the extent of the jurisdiction of the British parliament here, which had always been denied by the more consistent American colonial politicians because of their non-representation in that body. The extent of the crown prerogative in the colonies had by the year 1774 become tolerably well settled in subordination to the principles of the English common law. The difference as to the power of parliament to legislate for the colonies finally became irreconcilable, and precipitated the inevitable conflict. In this connection it will be recalled that the first constitution of the State recites that the new government was formed for the sole purpose of opposing the usurpation of the British parliament.

Actual hostilities between the king confederating with his British parliament on the one side, and the people of the colonies on the other, began with the battle of Lexington and Concord on April 19, 1775. At the beginning of the struggle temporary governments by committees and congresses were formed in New-York, and for a time in the city of New-York two governments—the ancient one emanating from

[1] The State constitution of 1777 was always claimed by advanced republicans to have been the work of those who had private interests to subserve. See the article in the "New-York Daily Advertiser" of March 4, 1789, entitled "Beware of Lawyers," beginning as follows: "Of the men who framed that monarchical, aristocratical, oligarchical, tyrannical, diabolical system of slavery, the *new Constitution*, *one Half* were lawyers. Of the men who represented, or rather misrepresented this City [New-York] and County in the late convention of this State, to whose wicked arts we may chiefly attribute the adoption of that abominable system, seven out of the nine were lawyers."

[2] The right to bear arms was an early privilege of English freemen, and from the earliest times in New-York the inhabitants had of necessity a right to bear arms, and there had been an organized militia to guard against the Indians and the French. So that at the commencement of the hostilities with England nearly all the able-bodied men were a possible military contingent, of great value to the commonwealth.

the crown, and the Revolutionary one formed by the people—contended for supremacy and issued contradictory proclamations. On May 10, 1776, the Continental Congress recommended that those colonies which were without a sufficient form of government should adopt some suitable organization. This resolution was read in the provincial congress, then sitting at the City Hall in the city of New-York, on May 24, 1776, and a committee was appointed to consider the matter, which reported "that the right of framing, creating and new modeling civil governments is and ought to be in the people." But, doubting their authority to form a new government, the provincial congress recommended the election of new deputies who should be constituted specially for such a purpose.

The new congress accordingly elected met at the court-house in White Plains, Westchester County, on July 9, 1776, and on the next day changed the title of the congress of the colony to that of the "Convention of the Representatives of the State of New-York." On July 16, the city of New-York and vicinity being closely beset by the British forces, the convention postponed the formation of government until the following August. They requested that meanwhile all magistrates and officers of justice should exercise their respective offices, provided that all processes and pleadings were issued under the authority and in the name of the State of New-York. This appears to have been the first official mention of the new title of the future government. The word "State" had been used to designate the government under Cromwell; it was generic, or *nomen generalissimum*, and would include any type of government that might be ultimately adopted. It committed the delegates to no particular form, and yet it sufficiently marked the change from the old institutions to the new. The request served to note that the king and parliament were no longer recognized as the source of political authority in New-York. The crown had ceased to be the general conservator of the peace and the fountain of justice in the province when the Declaration of Independence was adopted, July 4, 1776.

This declaration was the first formal act putting an end to the administration of justice by the old régime: the Supreme Court of Judicature of the province held its last session as late as the April term, 1776. When the convention met in August, 1776, pursuant to adjournment, a committee was formed to take into consideration a plan for instituting and framing a State government.[1] On March 13, 1777, the first section of the new constitution was agreed to, but the debates continued until Sunday, April 20, 1776, when the entire instrument was adopted and promulgated at Kingston as the supreme law of the new State. The memoranda and minutes of the first committees of

[1] Journal Provincial Congress, August 1, 1776.

government are not printed. Indeed until 1818 the State did not possess the original constitution. It was in the possession of a private citizen. There have even been some doubts concerning the identity of the principal author of the instrument,[1] although the literature of the late centennial has made it tolerably clear that John Jay was its principal draftsman, notwithstanding that he is known to have opposed some of its provisions.[2]

But we are concerned more with the changes accomplished in the legal institutions of the province of New-York by the Revolutionary constitution. It is a remarkable jural phenomenon that revolutions

UNITED STATES
No 157112
FIFTY DOLLARS
THE BEARER of this Bill
Sixty-five Dollars
The United Colonies
SIX DOLLARS
No 45541
SIX DOLLARS.
THIS Bill entitles the Bearer to receive SIX SPANISH MILLED DOLLARS, or the Value thereof in GOLD or SILVER, according to a Resolution of CONGRESS published at Philadelphia Nov. 2. 1776.
W Gibson
I Franklin
PERSEVERANDO
SIX DOLLARS
Continental Currency
SIX DOLLARS

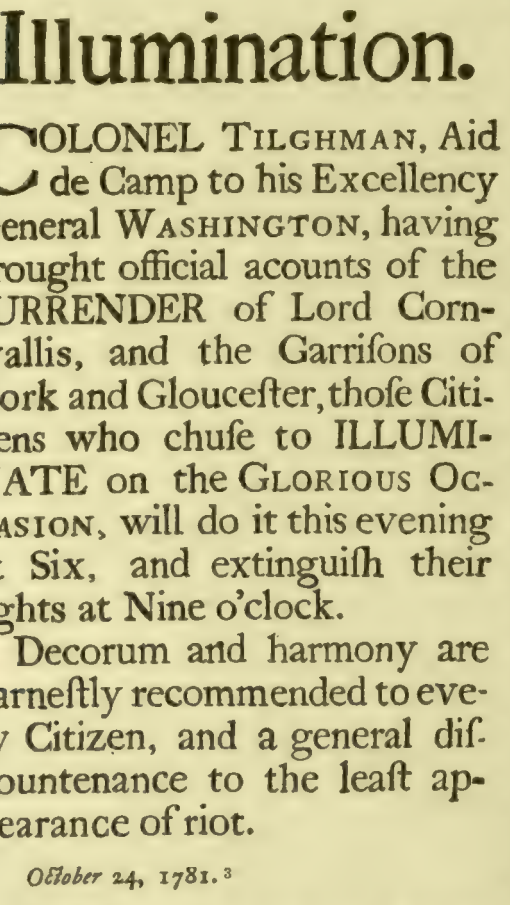
CONTINENTAL CURRENCY.

effect at first but slight changes in the private law of a State. A successful revolution at once modifies public law, or the law governing the relations between the former state and its subjects, and in the end, notwithstanding the outward semblance of conformity, it modifies private law, or "sows the seed which sooner or later bears the fruit of change."[3] Few of the features of the first State constitution were novel. The first section is the key to the entire scheme of revolution effected: "No authority shall, on any pretense whatever, be exercised over the people or members of this State, but such as shall be derived from and granted by them." The Revolutionary constitution of New-York was not submitted to the people at large, and to some extent it had a purely Revolutionary emanation. All writers on the subject of government now recognize that the modern American State constitutions are simply legislative acts, enacted in the fundamental legisla-

[1] Thomas Jones's "History of New-York," 1: 142. [2] N. Y. Rev. Papers, p. 678.
[3] Introduction to Ortolan's "History of Roman Law."

ture consisting of the whole people, or rather of the entire body of suffragists of the State.[1] But the first constitution of this State was not submitted to the people, although it was adopted by their delegates specially chosen.

While this constitution contained a most explicit statement of the rights of popular sovereignty, the practice was not coextensive with the enunciation, the suffrage being confined to such as were freeholders in the province or freemen of the cities of New-York and Albany. It was reserved to a later day to give fuller effect to the political emancipation declared by the American Revolution.[2] The sections of the constitution which were of paramount importance to the new frame of government thus established were those vesting the supreme legislative power in two separate and distinct bodies to be called the assembly and the senate. The leading authorities concede that the former legislative council, or upper house of the province, was the model of the senate, and not directly the English House of Lords. The lower house was but the former assembly of the province, and both in their functions and operations the two bodies were indistinguishable. The new legislature, in common with the old, had the power of enacting laws—but not all laws. Both bodies were constituted the sole judges of their respective memberships—a grant bearing the mark of an historic struggle. Their procedure was not altogether optional. Section IX. of the consti-


Illumination.

COLONEL TILGHMAN, Aid de Camp to his Excellency General WASHINGTON, having brought official acounts of the SURRENDER of Lord Cornwallis, and the Garriſons of York and Glouceſter, thoſe Citizens who chuſe to ILLUMINATE on the GLORIOUS OCCASION, will do it this evening at Six, and extinguiſh their lights at Nine o'clock.

Decorum and harmony are earneſtly recommended to every Citizen, and a general diſcountenance to the leaſt appearance of riot.

October 24, 1781.[3]

[1] Bryce's "American Commonwealth," Vol. I., Chap. 37.

[2] In the year 1790, out of 13,330 males resident in the city of New York, but about 1303 appear to have had sufficient property to qualify them to be electors for State senators under the State constitution of 1777. At that time, it is said, there were 93 freemen of the city (probably included in this 1303). Smith's "New York in 1789," p. 7.

[3] The above reduced fac-simile of a broadside issued in Philadelphia illustrates the joy of the patriots upon receipt of intelligence that aroused corresponding depression in New-York.

EDITOR.

tution provided that the assembly should enjoy the same privileges and proceed in doing business in like manner as the former assembly. This served to introduce expressly some of the more binding principles of parliamentary procedure, or that body of Anglican legislative customs and law sometimes known as the "common law of parliament." This provision operated as a minor limitation on the powers of the new legislature. The major limitation was that the legislation should not be violative of the public law embodied in the new constitution or of certain great unwritten principles of natural right sometimes forgotten. The power of the new legislature to change the former common law was a modified power, and expressed as a power of alteration and not abolition. The first constitution expressed also an apprehension, often remarked, of the unlimited power it vested in the people. To moderate the evil feared, the third section of the constitution provided for a revision of all legislative bills by a council of revision consisting of the governor, the chancellor, and the judges of the Supreme Court or any two of them acting with the governor. By a vote of two thirds of both houses a bill might be passed over the objections of the council, and become a law. The supreme executive power was vested in a governer to be chosen by ballot by the freeholders of New-York (out of their own body), having freeholds of the value of one hundred pounds. The constitution omitted to qualify for this office a freeman of the cities who might not be a freeholder. The powers of the governor were similar to those of his predecessors the crown governors. He was commander of the military forces, and could convene and prorogue the assembly and pardon offenders for crimes other than treason and murder, the pardon of which was reserved to the legislature, as formerly to the crown. The governor was, in short, the chief magistrate of the State, as he had been of the former province. The constitution plainly contemplated that the new governor should deliver a message to the legislature, according to the custom of the preceding century. To aid the chief executive, the old office of lieutenant-governor was continued with a modification which made him the presiding officer of the senate. This office was also elective. In comparison with the general powers subsequently vested in the president of the United States, the powers of the governors of the State of New-York were specifically prescribed, with the view of preventing a repetition of the arbitrary conduct often manifested by the crown governors. The veto in the executive was shared with the other members of the council of revision, and the power of appointing to all offices other than that of governor and lieutenant-governor, which were elective, was vested in a council of appointment consisting of the governor and a council of senators chosen by the assembly in the manner prescribed by the constitution.

The judicature, which rapidly became a coördinate branch of the new government, received very little attention at the hands of the founders of the State government. But one new tribunal was erected —the court for the trial of impeachments and the correction of errors. It consisted of the president of the senate, the senators, the chancellor, and the judges of the Supreme Court, or the major part of them. When the court sat as a court of impeachment, the chancellor and the judges, if impeached, were disqualified from sitting—a provision supererogatory at common law. The power of impeaching all officers of State was, by analogy to the ancient practice in England, vested in the lower house of the legislature. The conception of vesting the supreme appellate jurisdiction in the upper legislative house was derived from the former practice of appeals to the council of the province. This council had possessed judicial as well as legislative power: it was the court of errors of the province. So in all probability the designation of the judges as members of the new Court of Errors arose from the former practice in the province, for the judges were ordinarily members of the governor's council, but they could not vote on appeals from their own judgments, although they might deliver arguments in support of the same, which practice was perpetuated by the new constitution.[2] From the earliest times the judges of New-York had been debarred from deciding on appeals from their own judgments.[3]

PAULDING MONUMENT.[1]

The great courts of original jurisdiction, the Supreme Court and the Court of Chancery of the province, were not disturbed; nor were they continued expressly by the new constitution, nor even mentioned except indirectly. The tenure of the former offices of chancellor and Supreme Court justices was made during good behavior or until sixty years of age, in deference to the popular preference and prejudice exhibited in the provincial epoch, and these officers were made members of the council of revision and of the Court of Errors. In no more direct way were these ancient courts fastened upon the new order of things, and yet they continued as before, although both owed their existence to the quondam hated ordinances of the royal governors, made without the consent of, and in fact contrary to, the preference of the former assembly. In witness of the ancient contention between the crown and the assembly, the State legislature

[1] The above illustration represents the marble monument reared in 1827 over the grave of John Paulding, who with Isaac Van Wart and David Williams captured Major André at Tarrytown, on his return from his conference with General Arnold. He was buried in St. Peter's churchyard, near Peekskill, N. Y. EDITOR.

[2] Sec. 33, Const. 1777; Forsey *vs.* Cunningham, N. Y. Hist. Society Collections.

[3] "Duke's Lawes." See Vol. I, Ch. XIV.

was prohibited from instituting any new courts "but such as shall proceed according to the course of the common law. It is highly probable that the former fundamental courts of common law and equity were thought to be continued by virtue of the thirty-fifth section of the constitution continuing in force the former common law of the province.[2] In any event the further continuance of the Supreme Court and the Court of Chancery under the State government was assured only in the manner indicated, and to this day both the common-law and equity jurisdictions of the State courts are primarily due to the ordinances of the crown governors, promulgated nearly two centuries ago.[3]

J. Warren[1]

The constitution made provision for an experimental test of secret voting by ballot, and if this should prove a failure, then for a return to the former *viva voce* method. The suffrage was confined to freeholders and freemen of the cities who had taken an oath of allegiance to the new State. To qualify an elector for the senate, he must be a resident citizen and a freeholder possessed of a freehold of the value of one hundred pounds over all debts charged thereon. To be an elector for the assembly, the citizen must be a freeholder to the value of twenty pounds, or a taxpayer renting a tenement of the yearly value of forty shillings. For the first time in the history of the province the free exercise and enjoyment of religious worship, not degenerating into license inconsistent with the public peace, was guaranteed by the constitution, against the wishes of several who would exclude those of the faith of Rome. Several provisions of the fundamental English statutes, Magna Charta and the Bill of Rights, although adopted as a whole by the section continuing the former common law, were reënacted. Trial by jury was to remain in the cases in which it had been used in the colony of New-York. All parties accused were to be allowed counsel. No bill of attainder was to be passed for crimes other than those committed before the termination of the pending war, and such crimes were not to work a corruption of blood.

[1] This portrait was obtained too late to place in Chapter VIII. EDITOR.

[2] See the veto of the council of revision, Tompkins, Lansing, Kent, Thompson, and Yates. Street's "New York Council of Revision," p. 370.

[3] 2 R. S. of New York, 196, Sec. 1.

The legislature was given discretion to pass an act to naturalize persons born out of the United States and abjuring all foreign authority, ecclesiastical as well as civil — the ecclesiastical abjuration being directed against Romanists. The constitution declared all clergymen ineligible to any civil or military office under the State, as they were "by their profession dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their function."

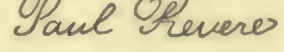
HICKS ARMS.

The future law of the State was fixed by the thirty-fifth section of the constitution, declaring "that such parts of the common law of England, and of the Statute law of England and Great Britain, and of the acts of the Legislature of the Colony of New York, as together did form the law of the said colony on the 19th day of April, 1775," — the date of the battle of Lexington, — should continue the law of the State, subject to such alterations and provisions as the legislature of the State should make concerning the same. In historical order, and in a subsequent chapter, we may briefly indicate the leading features of the law thus reëstablished and perpetuated.

Such were the main provisions of the fundamental charter of the new government. It bore an astonishing resemblance to the former crown government, except in the source from which the political authority emanated. That was a new political institute, but one long dreamed of by philosophers and at last realized. The realization was the legitimate inheritance of those who had left old institutions and worn-out forms for the politically formless regions of the world. It is true that it had been said by the political writers of ancient Greece that all forms of government proceed in cycles, and are constantly changing from free forms to forms less free and from absolutism to anarchy, and that no form of human government is stationary, entirely novel, or perfect. The new form of government of New-York, however, contained several features new to the history of political societies — absolute religious toleration, and the declaration, rather than the realization, of a complete popular supremacy, absolutely unalloyed with differences in status, for no mention was made of African slavery in the constitution, and its total abolition was evidently contemplated by the founders of the new State.

With the exception indicated, the constitution contained no novelties. It was only an evolution, or the final consummation, of the political struggles written on every page of the history of the province. The people of New-York had always maintained their right to the entire public law of England, which, subsequent to the Bill

of Rights of 1689, and the Act of Settlement,[1] they fully recognized as the best and freest public law any people had yet enjoyed.[2] The constitution of the new State did not therefore indulge in a triumphant denunciation of the past, nor did it destroy those old and well-worn forms which experience had demonstrated could coalesce with liberty. On the contrary, it perpetuated those institutions of the province and of the common law of all English-speaking people which had been found fully consistent with equality, liberty, order, and justice. The only revolution was in the source of the future political power, which was declared to be founded on the will of the people. How great this single revolution indicated was, it took some generations to comprehend; for at first the force of the ancient legal formulæ and the tyranny of custom rendered the political emancipation to some extent a phrase, and it was not until subsequent to 1800, when a new generation of lawyers had come on the scene, that the State entered on the phase of really popular institutions. The effect of the change wrought in the common law by a combination with republican institutions then became more apparent. The State government thus founded was, for a number of years afterward, regarded only as a *de facto* government by the inhabitants of the counties of New-York, Westchester, Richmond, and Long Island, by far the richest and most populous parts of the province. When the continental forces abandoned the city of New-York on September 15, 1776, the British, under General Howe, reëstablished their authority in the counties named, and continued to exercise a jurisdiction over them until November 25, 1783, when the formal evacuation took place, in accordance with the definitive treaty of peace with England. During this entire period there were two actual governments existing side by side within the limits of the present State. Both invoked virtually the same law, and both claimed the rightful jurisdiction of the entire territory of New-York, but one in the name of the crown and the other in the name of the State. The judicial records of each of these governments, within the sphere of its actual jurisdiction, are now equally authoritative. The records of the respective governments and courts are, however, entirely distinct.



A glance at the royalist government in the lower counties from 1776 to 1783 will be sufficient. The former civil courts, with two exceptions,—the prerogative court and the admiralty court,—remained closed, and in their place was erected by proclamation, on May 1, 1777, a quasi-civil judicatory, called a court of police, which had cognizance of all causes arising thereafter. With a view to supersede

[1] 12 and 13 Wm. III., c. 2.
[2] Charles O'Conor, "the Constitution," New-York, 1877, p. 8.

the military authority, and with the hope of reëstablishing the civil authority, the crown, in 1780, commissioned Lieutenant-General Robertson as civil governor of the province, and on March 23 of that year, his commission was read with the usual ceremonies at the City Hall in New-York.[1] A provincial council, with the usual powers, legislative, judicial, and executive, was again designated, and the greater part of the former civil machinery was reëstablished. The records of the prerogative court under the royalist governor remain during this period the repository of wills and probates affecting property in the lower counties. General Robertson's commission as governor was, however, never recognized by the State, although under the final treaty his political authority was complete within his jurisdiction until the formal evacuation of the province.

CLINTON ARMS.

The State government established at Kingston, April 20, 1777, was, until 1783, itinerant and desultory, while its actual jurisdiction was confined to the upper river counties. Before adjourning, the convention which had framed their constitution designated a committee to report a plan for organizing the government agreed to by the convention. This committee, in order to provide for the temporary representation of those counties within the British lines, reported a plan, subsequently acted on, by which delegates to the assembly were chosen to represent the counties within the royalist lines by the members elected in the State's jurisdiction. The convention continued in session until May 13, 1777, when it finally dissolved, having previously appointed a committee or council of safety to administer the government until the organization contemplated by the convention should be perfected.[2] A temporary judiciary was designated, consisting of Robert R. Livingston as chancellor, John Jay as chief justice, and Robert Yates and John Sloss Hobart as puisne justices of the Supreme Court. They were to hold office until a permanent judiciary was appointed by the council of appointment in the manner prescribed by the new constitution. The proceedings of the council of safety intrusted with the temporary government of the State, though historically interesting, are unimportant to the subject of this chapter. The "resolves" of the provincial congresses and convention — the purely Revolutionary government — were, by the thirty-fifth section of the

[1] N. Y. Gazette, March 28, 1780.
[2] 1 Journ. Provincial Convention, 916.

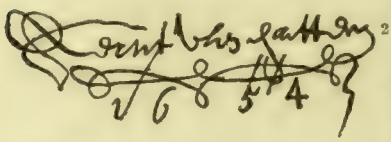
constitution of 1777, made a part of the fundamental law of the State, provided they were not repugnant to the constitution. Yet, in a permanent sense, these "resolves" were not important to the jurisprudence of the State, for as late as 1818 no copy of them was to be found in the State archives.[1] It was not until 1842 that the legislature directed that these "resolves" be printed, so that the legislative records of the State might be complete and accessible. They were generally of a temporary or provisional character, and had no enduring effect. The "resolves" of the provincial convention were of a higher order than those of the congresses. By one "resolve" of the convention, the quit-rents due to the crown by the holders of land in the province were vested in the State.[2] This "resolve" served a double purpose—it was a formal act of confiscation or escheat of the estate of the crown, and it preserved the relations existing under the socage tenure between the landowners and the head of the State. This subject received further consideration in the year 1779, and again in 1798.[3]

WASHINGTONS' BOOK-PLATE.

At an early period of the State government the condition of the laws attracted the attention of the authorities. At the opening of the second session of the State legislature (October, 1778), Governor Clinton, in his annual message, said: "By the 35th Section of our Constitution the laws of this State are necessarily become complicate, and as every member of society is materially interested in the knowledge of the laws by which he is governed, I am induced to believe a careful revision of the laws of this State would be an acceptable service to your constituents and attended with the most salutary effects." In pursuance of this resolution, a committee was appointed to ascertain what laws were expiring and what new laws were necessary. Nothing of importance, however, was done toward the revision until after independence was assured. In 1779, long and confidently anticipating the time when the English power should be completely broken and the State in the control of the new authorities, the State legislature, sitting at Poughkeepsie, passed an act providing for the temporary government of the southern part of the State by a commission. But not until 1783 could this measure be effected, and then for several months it was in operation, and the southern counties were governed by a legislative commission until a general election for members of the assembly was held.

[1] Journ. N. Y. Assembly, Feb. 11, 1818, p. 156. [2] Journ. Prov. Conv., 554.
[3] Laws of N. Y., c. 33.

When the definitive treaty of peace was signed with England, and the evacuation of 1783 completed, the independent State government would have been completely sovereign here had it not been for the articles of confederation between the various colonies, effectuated in this State by an act[1] passed February 6, 1778. Before proceeding farther with this narrative of events, we should glance at the effect which these celebrated articles and the subsequent federal constitution had upon the sovereign power of the new State government. These instruments in question may be and are regarded from two opposite points of view: as expressions either of political conditions actually subsisting between the colonies, or else of relations created anew by conventions expressed in the instruments themselves. Historically speaking, neither the articles of confederation nor the subsequent constitution were the first efforts to form a union of the seaboard colonies of England. The first formal declaration of a living principle in national unity was as early as 1643. In that year the New England plantations confederated for united action of a defensive nature. By the terms of this union each colony preserved its jurisdiction and powers of internal government intact, and without regard to size or population was represented by the same number of delegates at the federal council. As this example was independent of outside dictation, the civil war then raging in England, it may be regarded in the light of subsequent events as establishing a spontaneous principle of national union which, for convenience, may be called the decentralized principle. The plan of the convention of 1754, though abortive,—it being rejected by both English and Americans,—had some regard for the same principle. The Stamp Act Congress of 1765 is important politically rather than as a manifestation of any principle in national unity. The congresses of 1774, 1775, and 1776 enunciated a like principle, and in these national councils each of the colonies had an equal voice. Thus we perceive that all the prior political unions of the colonies were pursuant to that principle of decentralization ultimately embodied in the union. The Declaration of Independence declared the allegiance to the British crown absolved and the "United Colonies" free and independent States. This language and that of the subsequent terms of union, the federal constitution, gave rise to the celebrated controversy concerning the nature and extent of State sovereignty, a controversy much simplified if we have regard to the

 [2]

1 1 Jones and Varick, 15.

2 The autographs of the burgomasters of New Amsterdam — Van Hattem, Crigier, Anthony, Vandiegrist, and Van Brugh — which appear on this page and on others following, were obtained too late to insert in their proper places in the first volume. Those of Burgomasters Steenwyck and De Peyster have already appeared there.

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fact that the colonists could not, according to all accepted canons of the publicists, rebel as colonies, but only as individuals. Consequently they could only succeed in subverting the ancient English sovereignty and authority as individuals living in separated communities. Successful rebellion always transfers the sovereignty from the unsuccessful to the successful. Thus, in the eye of the publicist, individuals living in the province of New-York succeeded to the entire political authority of the former government in New-York, and they also succeeded, in common with the warring people in all the other colonies, to the subverted general authority of the crown in its relations to the other seaboard colonies. There was no question that the people of a particular colony succeeded to the former sovereignty over that colony; the real question related to the manner in which they succeeded to certain imperial prerogatives of the crown, of far more general extent. A close analysis will perhaps demonstrate that the subverted imperial authority was ultimately invested by the people of all the colonies in the new general or federal government, and that the subverted sovereignty in a particular colony was transferred by its recipients to the new State government. If we may act on this rigid analysis, it may be said that the original articles of confederation failed to express the real partition of the subverted political power, while the federal constitution of 1787 accurately expressed the relations which the people in all the original colonies antecedently bore to the new order of things.

MONTGOMERY'S MONUMENT.

While the articles of confederation were articles of perpetual union, which invested a single chamber, in which each State had an equal vote, with certain portions of the ancient imperial authority, yet they were regarded by Washington, Jefferson, Hamilton, Adams, and many other statesmen of that day as purely provisional and temporary. To some extent they regulated merely the *status belli* of the thirteen communities engaged in the pending war, and they were commonly regarded as preserving to each State its practical autonomy and as regulating only its external and foreign relations rather than its internal and domestic conditions. The federal constitution, however, did declare the natural limitations of the autonomy of the State, and subordinated it in the sphere of federal law to the authority of the

people of all the States (including its own), without reference to State demarcations of territory. The ratification in 1788 by New-York of the federal constitution brought it in the class of States called by the publicists "imperfectly sovereign." Its status as a member of the federal union was thereby fixed, whether in conformity or not to the preëxisting facts, so that it retained complete jurisdiction of some departments of law and an inferior jurisdiction of other departments. The state in one aspect was now as sovereign as the most independent State, while in another aspect it had not the power and jurisdiction of a free and independent State, for its citizens were also citizens of another and larger government, but one of limited powers. Both governments could punish the same persons for treason against their several authority. The limitations of this dual citizenship in the nation and the State form the most subtle and interesting of the forces now at work making the nation; but they are extrinsic to our theme. Between these two spheres of government the law detects the most perfect harmony of action. The perfected jurisdiction of each is essential to the permanence and efficiency of both, and exaggerations of the prescribed authority of either interfere with the perfect harmony and adjustment which should reign supreme. It will be noted that the new State government was after 1788 placed back in the relative position which it had occupied as a province. As a province it had not been what publicists term a perfect State, and as a State of the United States it occupied toward the new general government no very dissimilar position to that it had occupied toward the ancient crown government. Indeed it may be said, with some truth, that the new general government simply succeeded to those prerogatives of the crown which were of an imperial character. But the new king was the entire people of all the colonies acting together in their collective political capacity. Had Hamilton's early proposal to have the governors of the States appointed by the federal authorities prevailed, the relation of the State to the federal government would have been very similar to those relations which the province bore to the headship in the colonial era.

When the federal constitution came into operation in 1789, the Court of Admiralty of the State of New-York ceased to exist, the constitution having vested the admiralty jurisdiction exclusively in the federal establishment. Prior to 1789 the State claimed the admiralty jurisdiction as successor to the crown, and established a local court recognized by the State constitution of 1777. Having now pointed out generally the nature of sovereignty in a composite state, we may proceed to the further consideration of the State of New-York, viewed as

a separate political community. During the Revolution the State legislature had been too much engrossed with the perils of the times to institute any sensible change in the ancient law of the province, perpetuated by the new State constitution. The act to organize the State government was the first step taken;[1] it declared, among other things, the jurisdiction of the Court of Probate to be that prerogative jurisdiction formerly exercised by the royal governor as judge of the Court of Probate. It directed the judges of the "four great courts," Chancery, Supreme, Probate, and Admiralty, and of the inferior courts of Common Pleas, to cause seals to be made for their respective courts, and provided that the terms of such courts should begin on the same days as those on which they had been held when under the authority of the crown.

POUGHKEEPSIE COURT-HOUSE.[2]

With the cessation of hostilities, the legislature of New-York began to turn its attention more vigorously to the condition of the laws of the new State. In the year 1782, the first of the series of laws affecting real property was passed.[3] Estates tail were converted into estates in fee simple absolute, the law of primogeniture was formally abolished, and the canon of descents was made to conform to more rigid conceptions of democratic institutions. In the year 1784 several acts were passed repealing, as repugnant to the new constitution, the immunities, emoluments, and privileges accorded to the Episcopal communion, sometimes called the Church of England, in New-York. All the acts of the assembly of the province by which the inhabitants of New-York, Richmond, Westchester and Queen's counties had been compelled to pay taxes for the support of the Episcopalian clergy were repealed. The repealing clause included the act of 1700, before noticed, directed against Jesuits and Popish priests in New-York.

The journals and records of the assembly disclose that with the year 1786 greater activity in legislation began; the act of 1782 abolishing entail and altering the law of descents was now more carefully reënacted. Samuel Jones and Richard Varick were appointed to collect and to reduce into proper form for reënactment all such statutes of Great Britain and England and of the colonial legislature as were

[1] 1 Jones and Varick, 22.

[2] In the Poughkeepsie court-house, illustrated above, was held the convention of New-York delegates called to discuss the adoption of the federal constitution. They assembled on June 17, 1788, and on July 11 ratified the new constitution, with some recommendations for amendment. EDITOR.

[3] C. 2, Laws 6th Session, 1782.

continued in force by virtue of the thirty-fifth section of the constitution of 1777.[1] The proposed revision was in some respects the most important yet contemplated in New-York. The whole statute law of England and the province was to be explored and revised with the intent that when the revision was completed all other statutes should cease to be operative in New-York, under the thirty-fifth section of the constitution of 1777. From time to time the revisers reported to the legislature the revision of the English statutes deemed in force in New-York. The bills thus reported were generally adopted by both the legislature and the council of revision. When the necessary English statutes had been thus recast and reënacted, the legislature in 1788 passed an act declaring that after May following "none of the Statutes of England, or of Great Britain shall operate or be considered as laws of this State."[2]

The revision of Jones and Varick now became the authoritative and final legislative interpretation of the thirty-fifth section of the first constitution, in so far as it determined what part of the statutes of England and Great Britain were continued as not repugnant to the new order of things. To enumerate in a brief space the various English statutes substantially incorporated in this revision would be impossible: they illustrated and embodied many of the most important reforms — constitutional and legal — accomplished by the English in the course of their history as a nation. Among the various acts incorporated in the revision of Jones and Varick was a new bill of rights containing the substance of the most important sections of Magna Charta, the English bill of rights, the *habeas corpus* act (31 Car. II.), and other acts which are recognized as composing the English constitution. Among the other notable English acts contained in this revision were the statute of uses, 27 Henry VIII., c. 10; the statute of distributions, 22 and 23 Car. III., c. 10; the statute of frauds, including the substance of 13 and 27 Elizabeth against fraudulent conveyances, and of 29 Car. II., c. 3, relative to the memoranda in writing necessary to the enforcement of certain undertakings; a statute of wills taken from 32 Henry VIII. and 29 Car. II.; and a statute of limitations embracing various English acts on the same subject.

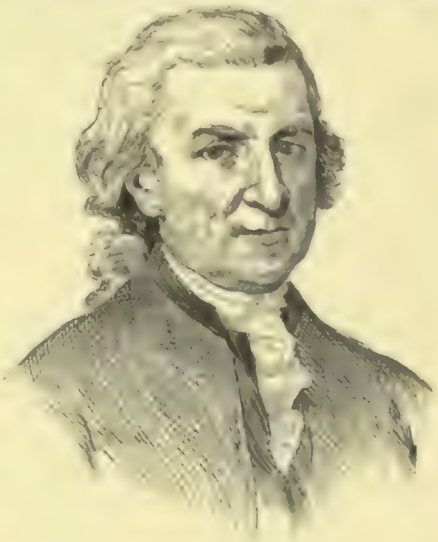
John Lamb

There was also an act passed concerning tenures, containing the substance of 12 Car. II., c. 24, which had reformed the earlier English feudal tenures. This act, as revised, contained a new provision to the effect that the tenures of all patents or future grants under the great seal of the State should be allodial and not feudal. This was the beginning of the legislation declaring all lands allodial — a reform much

[1] C. 35, Laws of 1786. [2] C. 46, Sec. 37, Laws of 1788; 2 J. & V., 282; 19 N. Y., 74.

vaunted but of little consequence after the statute 12 Car. II., c. 24, so long as escheats were not abolished.

Although the "Act for revising and digesting" the laws directed Messrs. Jones and Varick to correct and reduce all the public acts of the assembly of the late province continued by virtue of the thirty-fifth section of the constitution, yet this part of the contemplated work was not accomplished. The revisers, however, reported a bill repealing a large number of such acts,[1] but stated that the acts not so repealed remained operative.[2] All the acts of the assembly of the province were not formally repealed until the following century.[3] The revision by Messrs. Jones and Varick may be regarded as the only comprehensive digest or revision of the laws of New-York down to the year 1800. Yet it instituted very few changes in the prior laws, which remained substantially as before the Revolution. This revision was in fact simply an authoritative definition of the thirty-fifth section of the first constitution. Down to the year 1800 the character of the legislation may be said to have been declaratory rather than reformatory, although some sensible reforms were instituted in the manner already noticed.



JOHN WATTS, SR.

Until the year 1796 the criminal laws of this State were of extreme severity, as in England; but in that year the death penalty was limited to treason against the State, murder, and stealing from a church. Whipping as a punishment for offenses under the degree of grand larceny was abolished by the same act.[4] The Revolution of itself made no change in the criminal laws of the State. By the constitution of 1777, Section 34, the accused were allowed counsel in all criminal cases, thus remedying forever a palpable defect in the ancient English law. In the year 1788 benefit of clergy was abolished in this State,[5] and the common law was ameliorated by lessening the punishment of minor offenses. In 1796, by the act mentioned, the crimes of grand larceny, burglary, highway robbery, arson, forgery, counterfeiting, and the like became punishable by imprisonment in the State's prisons first established by this act.[6] In the same year,

1 2 J. & V., 354. 2 Preface, 1 J. & V. 3 C. 21, Laws of 1828. 4 C. 30, Laws of 1796.
5 2 J. & V., 242. 6 3 Greenleaf, 291, c. 30.

1796, a very important act was passed to facilitate the trial of criminal cases, and for the better prosecution of crimes against public justice. By Chapter 8 of the laws of this year the State was divided into districts, over each of which an assistant attorney-general was to be designated to conduct the ordinary prosecution of offenders. In colonial days the attorney-general alone was charged with all public prosecutions. Thus originated the present system of public prosecutions for each county. The attorney-general of the State is still regarded as the chief public prosecutor, although he also acts as solicitor-general in civil causes. The extent of the powers of the present office of attorney-general and his coadjutors, the district-attorneys, is somewhat vague, and claimed to be regulated by the common law.[1]

In the year 1799 a citizen of New-York who had lived in the provincial era would have detected but slight change in the jurisprudence and judicial establishment of his commonwealth. The public law had undergone a transformation in accordance with the tendencies and aspirations of the two centuries of New-York history, but the private law still bore the conservative mark which betokened its feudal and undemocratic origin. The old Court of Chancery still stood, but the executive of the State was no longer burdened with the duties of chancellor; the judicial and executive branches of government were in process of separation, finally consummated by the abolition of the council of appointment and revision, in the next century, although, until an act of 1790, the governor retained the seals of the court in conformity to the custom of the province. In 1788 the court had been reorganized by the convention of representatives. A seal had been ordered by an act of the legislature passed March 16, 1778. In like manner the old Supreme Court of Judicature still stood in 1799 as the great common-law court, possessing also supervisory powers over all other common-law jurisdictions vested in the inferior judicatories of the State. Two terms of the court were held at Albany and two in the city of New-York. The justices of the Supreme Court still went the circuit in vacation and held *nisi prius* sittings in each county of the State, precisely as directed by the ordinance of Lord Bellomont, reported in council, May 15, 1699. From time to time acts had been passed by the assembly empowering the justices to go the circuit without the necessity of carrying special commissions of *nisi prius* and assize, as formerly. Although there are no published reports of the adjudication of this tribunal prior to the year 1794, yet we can perceive that the administration was of a very high order. The rapid succession of chief justices, John Jay, Richard Morris, Robert Yates, and John Lansing, Jr., between 1777 and 1800, gave little oppor-

[1] See brief in Henry Bergh's case, 16 Abb. P. N. S., 274–284.

tunity for distinction to any of them; but they were all accomplished lawyers. Some of the associate or puisne justices of this period were also very able men, among them one who afterward became the distinguished chancellor, James Kent; also Morgan Lewis and Egbert Benson. As a master of special pleading, Justice Benson has been said to have been hardly surpassed by Chief Justice Saunders himself;[1] while Chancellor Kent stated that Justice Benson did more to reform the law than any other member of the court before or since.[2] Benson drew the rules of this court, which were adopted April term, 1796. They are sometimes erroneously called the first rules of the court; but they were not. Wyche refers to rules adopted in 1727, or seventy years before,[3] and the rules of 1791–93 are published in "Coleman's Cases" (p. 31). The practice of the Supreme Court in the year 1799 presented but few features peculiar to itself, and was substantially that in use under the crown government, and, as formerly, supplemented by that of the King's Bench at Westminster Hall.[4] Yet there were differences in the several practices, which are best noticed at length in the first treatise on "The Practice of the Supreme Court of Judicature of the State of New-York," by William Wyche, who subscribed himself as "of the Honorable Law Society of Gray's Inn, London, and Citizen of the United States of America."[6] After the Revolution the tendency of the judges of the Supreme Court and Chancery seems to have been to conform rather to the practice of the English courts than to that of the courts of the former province,[7] and there was very little disposition shown until the present century toward innovation on the English precedents. The slight change in the Supreme Court of New-York in the last century is perhaps well indicated by the minutes of the court. The last session under the crown was at April term, 1776; the first under the State was at October term, 1777. Between the minutes of the sessions is nothing but a few blank leaves. Were it not that the first

MRS. JOHN WATTS.[5]

1 Duer's "Discourse on Kent," p. 14.

2 Thompson's "History of Long Island," 2: 187–189.

3 See his "Practice, N. Y.," edition of 1794.

4 Dubois ex. Phillips, Ex., 5 Johns. 235.

5 Mrs. John Watts, Sr., *née* Ann De Lancey.

6 This work was published by T. & J. Swords, No. 167 William street, New-York, in the year 1794, and serves to note the points of departure at that time.

7 "Johnson's Cases," 30; 1 "Johnson's Chancery," 100, 117, 517, 607.

entry in 1777 shows that the party plaintiff was "The People of the State of New-York," and no longer "Dominus Rex," the reader would not infer that the blank leaves stood for a revolution, the most momentous of all revolutions in history. If the character of the great courts of equity and law remained in the year 1799 much the same as under the crown government, the resemblance of the inferior judicatories was not less marked. The courts of common pleas in the various counties, and the courts of the justices of the peace, were only survivals of a preëxisting state of things that came in with the English common law. So the general sessions of the peace and the Oyer and Terminer, possessing criminal jurisdiction, were part of the very early English institutions of New-York.[1] Up to the year 1799 there was little that was new here excepting the republican form of government.

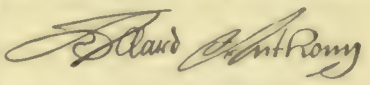
BULL'S HEAD TAVERN.

During the period between the formation of the State government and the year 1800, the preponderating influence of those who had been reared under the old form of government is very manifest; the changes in the substantive law of New-York were consequently very few. The great law officer of the State was Robert R. Livingston, the chancellor, who held office until the year 1801, when John Lansing, Jr., succeeded him. Unfortunately, Chancellor Livingston's decisions have not been published, but it was said by Chancellor Jones, long afterward, "that this august tribunal (the Court of Chancery), though since covered with a halo of glory, never boasted a more prompt, more able or more faithful officer than Chancellor Livingston."[2] This tribute is fully corroborated by the character of the chancellor's published opinions which were rendered while he was a member of the council of revision, and by his standing rules in chancery, which are always a species of legislation. Chancellor Livingston's personal influence was augmented by the fact that he sat in a tribunal which was not new to the people of New-York. The court had been erected in 1683, before Lord Nottingham, styled "the father of English equity," had ascended the "throne of equity," as it was called by the lawyers. The chancery jurisdiction was greatly feared, and the enormous power of the New-York chancellor in the pres-

1 1 "Johnson's Cases," 180.

2 Francis's address to the Philo-lexian Society of Columbia College, 1831, p. 29.

ent century came to be an anomaly in a republic, and one bitterly assailed by the generation of democratic lawyers who came on the political scene subsequent to the year 1800, and who were not indoctrinated with the traditions of the chancery bar or of Westminster Hall, or bred in the offices of the ante-Revolutionary lawyers. The downfall of the power of the chancellor of New-York forms an interesting page in the history of this present century, and well marks the cessation of that old school of manners and habits which survived the War of Independence. It does not belong to the present chapter. Until about 1800 the habits of thought of the lawyers here seem to have been modeled exclusively on those of the English bar, and there was very little effort to escape from the legal traditions and habits of England. While the conservatism thus engendered acted as a very desirable check on hasty legislation under a new form of government, it had its bad side in a tendency to aggrandize and perpetuate political power in the lawyer class—a tendency visible in the constitution of 1777, which this century had to undo.

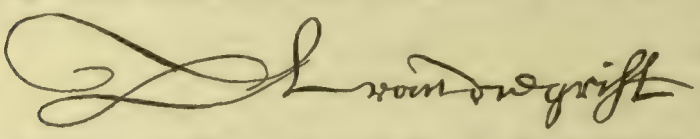


The constitution of 1777 provided that attorneys and counselors should be appointed by the court and licensed by the first judge, and be regulated by the rules and orders of the court (Section 27). By an act of the State legislature[1] all attorneys, solicitors, and counsel of the province, who had not served in Congress or under the State government, were suspended until after an inquisition, by the freeholders of the county, as to their loyalty. If, on such inquisition, the lawyers were found loyal, they might be restored to practice by the court. In 1781 this act was further amended so as to require the attorney-general of the State to appear on such inquisitions, and debarring all lawyers whose suspension was removed who should not take an oath of allegiance within a certain time prescribed.[2] Prior to the year 1800, three years' study in the office of a practitioner was necessary to qualify an applicant for the position of attorney. Attorneys after two years' practice could apply for a counselor's license, which was granted, upon an examination of abilities, by the court.

The qualifications of the lawyer class were of extreme importance under the first constitution of New-York, and were so treated, for they might be called upon as lawyers to exercise political functions new to the history of their profession. Indeed, by a singular provision of this constitution, they were the only class in the State deemed competent to constitute the council of revision, which enjoyed the power of revising laws and a qualified negative on all legislation. Such an anomalous privilege did much to justify M. de Tocqueville's observation (now no longer true) to the effect that the lawyer class stood in

[1] C. 12, Laws of 1779. [2] C. 13, Laws of 1781; C. 14, Laws of 1783.

America for the aristocracy of other countries. In New-York the chancellor and the justices of the Supreme Court, under the first State constitution, possessed more power than the judges of any other modern political community of the world. They not only enjoyed the enormous powers and jurisdiction vested in the judges of the great English courts, but they sat in the final Court of Errors as well, and in addition had, practically for life, or good behavior, the old veto power on legislation inherited from the English crown. They thus, far more than any other class, succeeded to the old power of the crown over the province of New-York. Allied to the interest of the manor proprietors, the judges could, under the first constitution if they were so disposed, direct and control the entire government of the State. This fact, taken in connection with the very restricted character of the suffrage,—for only freeholders possessing considerable estates could then vote for governor or senators,—made the government of New-York down to the end of the eighteenth century a very unsatisfactory one, and republican largely in name. That such a form of government was tolerated as late as the year 1821 was largely due to the fact that the recipients of this enormous power were men of unusual accomplishments and of a private character never excelled in the history of the American States. But in the present century even the genius of Chancellor Kent was unable to save such institutions from merited extinction. The history of their downfall belongs to the succeeding century, which has been one of profound changes in the direction of freer institutions. The anomalies in the first constitution, which did not keep separate the executive, judicial, and legislative departments of government, have now been swept away. Many ancient and undemocratic institutes of the English common law have been to some extent corrected. The constitution of 1777, which contained no provision for its amendment, was nevertheless amended in 1801: but all these things belong to an account of the present century.

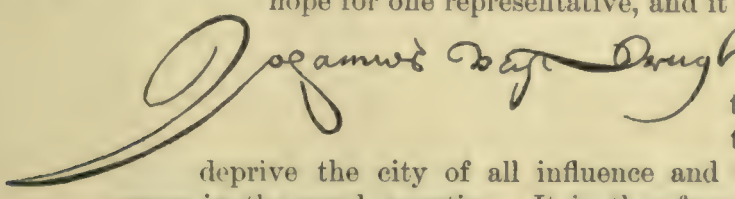


Until the year 1797 the history of the city of New-York, it being the capital, is inseparably blended with that of the entire province and State. In this year the seat of government was transferred to Albany, a city more convenient to the new settlements of the northern and western counties. Many of the new settlers were from New England, where the traditions and ideas of a landed and legal aristocracy were less tolerant than those of the stolid Anglo-Dutch natives of New-York, who had become so inured to ancient institutions that they actually suffered the authorities of the new State to dispose of

over five millions of acres of unpatented lands for about one million of dollars, of which sum one gentleman paid less than eight pence an acre for three million six hundred and thirty-five thousand two hundred acres. Among the new patentees there was a disposition to perpetuate the old English custom of long farm leases, and to establish a superior house in the center of the rent-paying district. The novelist Fenimore Cooper, who was connected with the patentees by various ties, has unconsciously, in the romances called "Littlepage Manuscripts," given us a valuable history of the movement in New-York from the point of view of the landlords, and has revealed the effort to perpetuate the rural institutions of England. Unfortunately, his genius has so covered a gross outrage with the beauty of sentiment as almost to conceal its iniquity. The other side of the movement, founded on the inherent right of the people to profit by the Revolution and to share in the crown lands, has never been told so well—as the right ultimately vindicated itself, and there was no need of a popular requiem.

John Watts

Until the close of the last century the political influence of the city of New-York was subordinated to the interests of the rural parts of the new State. The constitution of 1777 made the city no nearer self-government than before. All the city officers, originally appointed by the crown authorities, continued to be appointed by the council of appointment, consisting of a small board of senators, presided over by the governor for the time being. On this board the city could only hope for one representative, and it might be, and in fact was, so constituted oftentimes as to deprive the city of all influence and vest the vast power in the rural counties. It is therefore obvious that under the State constitution the city gained little, and that the appointing power was if anything more obnoxious under it than when exercised by a crown governor who resided in the midst of the burghers, and was amenable to personal complaints. A distrust of the urban community is further expressed in the first constitution, in the



provisions relative to qualifications for governor. While the freemen of the old city were qualified to vote for assemblymen, unless freeholders they could not vote for governor or for State senators; nor did the freedom of the city "qualify for these several offices of high dignity." But in the last decade of the century preceding this forces were at work which, in this century, have made the phrases of the New-York constitution of 1777 concerning the political supremacy of the people a fact rather than an idea. The history of these forces, so closely interwoven with the public and private law of the State, belongs to the history of New-York in the nineteenth century.

1701—March 5, Lord Bellomont died. October, Thomas Noell appointed Mayor.

1702—Colonel Nicholas Bayard tried for High Treason. Lord Cornbury arrives. Philip French appointed Mayor.

1703 William Peartree appointed Mayor. Free Grammar School established under care of City Corporation.

1704 French Huguenot Church in Pine street built.

1706 The "French Scare." A Treasurer of the Province appointed.

1707 Ebenezer Wilson appointed Mayor. Two Presbyterian ministers arrested for preaching.

1708 A Charter relating to ferry privileges granted to the city. Lord Lovelace arrives and succeeds as Governor. Beginning of German immigration.

1709 Death of Lord Lovelace, and a Canadian campaign undertaken by Colonels Nicholson and Vetch.

1710 Jacobus Van Cortlandt appointed Mayor. Governor Robert Hunter arrives with three thousand Palatines.

1711 Caleb Heathcote appointed Mayor. Slave-market established at the foot of Wall street.

1712 Census of New-York taken—4848 whites, 970 blacks. First Negro Insurrection.

1714 John Johnston appointed Mayor.

1719 Presbyterian Church in Wall street built. Governor Hunter returns to England.

1720 William Burnet, Governor, arrives. Robert Walters appointed Mayor.

1722 Water street ordered to be laid out on East River front.

1725 Johannes Jansen appointed Mayor. "The New-York Gazette" begun by William Bradford.

1726 Robert Lurting appointed Mayor.

1728 Governor Burnet transferred to Massachusetts, and succeeded by Colonel John Montgomerie.

1729 The City Library founded. Greenwich and Washington streets surveyed.

1730 First smelting-furnace in the United States built in New-York.
1731 A new Charter granted to the city. Smallpox prevails. July 1, Governor Montgomerie dies, and President of Council, Rip Van Dam, assumes the government. New Dutch Church on Nassau street completed.
1732 Governor William Cosby arrives. First stage line between New-York and Boston, running once a month.
1734 First City Poorhouse built.
1735 Paul Richard appointed Mayor. The Zenger Trial.
1736 Governor Cosby dies, and is succeeded by Lieutenant-Governor George Clarke.
1739 John Cruger, Sr., appointed Mayor.
1741 The Negro Plot, and many executions of the accused.
1743 Admiral George Clinton becomes Governor.
1744 Stephen Bayard appointed Mayor.
1747 Edward Holland appointed Mayor. James De Lancey commissioned Lieutenant-Governor.
1752 The Royal Exchange in Broad street built. St. George's Chapel erected in Beekman street.
1753 Sir Danvers Osborn becomes Governor; commits suicide.
1754 The Society Library founded. The Walton House built. The "Plan of Union" adopted at Albany, New-York.
1755 Sir Charles Hardy, Governor. Beginning of the French and Indian War.
1756 Corner-stone laid of Columbia College building.
1757 Governor Hardy accepts a naval command, and James De Lancey assumes the government. John Cruger, Jr., appointed Mayor.
1760 De Lancey dies, and Dr. Cadwallader Colden becomes Lieutenant-Governor. Canada finally conquered by England.
1761 General Robert Monckton appointed Governor.
1762 Public street-lamps provided. John Street Theater opened.
1763 Lighthouse at Sandy Hook. Close of French and Indian War.
1764 New-York Assembly's Address: "Taxation only by Consent."
1765 Sir Henry Moore appointed Governor. The "Stamp Act" passed in Parliament. The "Stamp Act Congress" meets in New-York. First Non-Importation Agreement. St. Paul's Church built.
1766 Whitehead Hicks appointed Mayor. Repeal of the Stamp Act.
1768 Chamber of Commerce founded. Brick Presbyterian Church built opposite the Common.
1769 Second Non-Importation Agreement signed. North Dutch Church built on Fulton street. Sir Henry Moore dies, in September.

1770–January, conflict between citizens and troops on Golden Hill, antedating the "Boston Massacre." Earl of Dunmore becomes Governor. Non-Importation Agreement abandoned by New-York, because of defection elsewhere. Statues of George III. and William Pitt arrive.

1771 Lord Dunmore transferred to Virginia, and William Tryon becomes Governor.

1773–December, a fire in the fort destroys the Governor's Mansion. The "Boston Tea-party."

1774–April, tea-ships refused admittance at New-York. September 5, first Colonial Congress.

1775–April 23, the news from Lexington reaches this city. June 4, exploit of Marinus Willett in preventing the removal of arms. October, Governor Tryon removes his family and effects on board a man-of-war.

1776 First system of city water-works constructed. February 4, General Charles Lee enters New-York with Connecticut troops; General Sir Henry Clinton arrives off Sandy Hook. April 14, General Washington arrives in New-York. July 9, the Declaration of Independence published to the troops and (on the 18th) to the citizens. August 26–29, the Campaign and Battle of Long Island. September 15, the British occupy the city; (on the 21st) a fire destroys a large portion of the city; (on the 29th) David Matthews appointed Mayor. November 16, Fort Washington taken by the enemy.

1777 New-York adopts a State Constitution. The flag of the United States determined on.

1778 Lord North sends Commissioners with proposals of peace. August 3, a second destructive fire.

1780 Attempt to capture General Arnold.

1781–October, restoration of City Records carried off by Governor Tryon in 1775.

1783–November 25, evacuation of the city by the British, and entrance of the American Army. December 4, Washington's farewell to his officers at Fraunces' Tavern.

A carefully prepared index to the complete work will appear in the fourth volume.

END OF VOLUME II.

PUBLISHERS' ANNOUNCEMENT

OF

The Memorial History of the City of New-York,

From the earliest settlements on Manhattan Island to the year 1892, the four-hundredth anniversary of the discovery of America by Columbus, edited by Gen. James Grant Wilson, assisted on the coöperative plan by a corps of able writers who prepare chapters on periods or departments in the history and life of the city to which they have given special study. To be illustrated by portraits and autographs of prominent personages, also by fac-similes of important and rare documents, and by maps, views of historic scenes, houses, tombs, etc., executed in the handsomest manner, and numbering more than one thousand, including several hundred vignettes by Jacques Reich, the accomplished artist who has contributed portraits to General Wilson's "Cyclopædia of American Biography" and other important works.

No time seems more appropriate than the present for placing before the public a work like this, which shall utilize the abundant original material bearing on the history of the metropolis that has come to light since the last important history of the city was published, and which shall combine the united researches of several writers in their chosen and lifelong fields of inquiry. It is for this reason that the publishers do not hesitate to commend the present work to the scholar and to the general reader alike as a trustworthy source for the latest and most accurate historical information.

The Memorial History of the City of New-York will be completed in four volumes, royal octavo, of above 600 pages each. The first volume was published in 1891; the second volume will appear in July, 1892, and the other two volumes semi-annually thereafter, or sooner, the entire work to be completed in the spring of 1893.

Volume I

Embraces the events falling within the seventeenth century, beginning with the discovery and the earliest colonization.

Volume II

Covers the events of the eighteenth century down to the year 1783, thus including the momentous period of the Revolution, during the whole course of which the position of our metropolis was a unique and trying one. This has been fully set forth by the writer on this period, and has also been most copiously illustrated.

Volume III

Will take up the history of the city when it became a part of a free Republic, and will further treat of the nineteenth century, bringing the account down to our own times, and telling the story of the city's marvelous progress and rapid growth until it has reached the magnificent metropolitan proportions of this memorial year of 1892.

Volume IV

Will contain exhaustive monographs and interesting accounts of special departments, such as Churches, Arts and Sciences, Museums, Hospitals and other Charities, Commercial and Literary Associations and Societies, Libraries, Seats of Learning, Clubs, Theaters, Markets, and Inns, Music, Newspapers, Currency, Central Park, Governor's Island, Brooklyn, Staten Island, and other suburbs, Statues and Monuments, the Military, Navy-yard, Shipping, Yachts, and an extended article by the Editor on the Authors of New-York, illustrated with about thirty beautiful vignette portraits.

THE NEW-YORK HISTORY COMPANY,
132 Nassau Street, New-York.

New-York Tribune, April 24, 1892.

GENERAL WILSON'S MEMORIAL HISTORY.

THE MEMORIAL HISTORY OF THE CITY OF NEW-YORK, FROM ITS FIRST SETTLEMENT TO THE YEAR 1892. Edited by James Grant Wilson. With maps, plans, and illustrations. Volume I. Large 8vo, pp. xxiv-605. New-York History Company.

The first volume of the Memorial History of New-York, edited by General James Grant Wilson, aided by a large corps of distinguished writers, fully justifies the claim that it is to be an exhaustive work, and in all respects worthy the importance of its subject. No pains or expense have been spared in the preparation of this book. It is printed on heavy laid paper, in large type, and is illustrated with fine full-page steel-engravings, hundreds of woodcuts in the text, and a large number of fac-similes, maps, and plans. Many of these fac-similes, and many also of the historical documents which appear in the work, are now published for the first time. The archives of Holland have been ransacked to furnish new material for the history of the Dutch occupation, and many interesting and important facts have been ascertained through search among the family papers which have been preserved for generations by the descendants of distinguished early colonists, both Dutch and English.

At such a distance in time, and after so many laborious inquests as have been made into the beginnings of New-York, it might be thought that the last word must have been said on every really important event and question. But this is not the case. The researches of General Wilson and his contributors have resulted in the discovery of much new evidence materially affecting the conclusions to be drawn in several matters of consequence, so that an element of novelty enters into this history which differentiates it from all its predecessors. The work opens, as such a work should do, with a review of the explorations of the North American coast previous to the voyage of Henry Hudson. Here are presented sketches of the Northmen's voyages (the writer being a believer in the story of "Vinland the Good"), the voyages of the Welsh, of the Zeno brothers, Sebastian Cabot, Ayllon and the Spaniards, Verrazano, Gomez—from whose time (1525) the situation of the Bay of New-York was known—closing with an examination of the question whether the Dutch were on Manhattan Island in 1598. Whether they were or not is not indeed vital, nor does it seriously interfere with the claim of Henry Hudson as a discoverer. In all such cases a period of reconnoissance precedes the period of practical and fruitful work. It is

credible that the Bay of New-York was entered by a score of navigators before the keel of the Half Moon furrowed its waters. But all these early explorers were looking for a passage to Cathay, and had no eyes for anything else. Hudson's voyage was the first to have effects of historical significance, for it was followed almost immediately by trade and settlement.

The second chapter of the Memorial History treats of the native inhabitants of Manhattan and its Indian antiquities. It contains an interesting disquisition upon the identity of the so-called Manhattan Indians and the origin and meaning of the name Manhattan. In the third chapter the antecedents of New Netherland and the Dutch West India Company are carefully and thoroughly discussed, with correlated subjects having a direct or indirect bearing upon the Dutch occupation. The account of the strange vicissitudes of the Dutch West India Company is but another illustration of the "sic vos non vobis" tendency of human affairs; of the manner in which the crops sown by one hand are so often gathered by another. This tendency in fact appears again and again in the history of New-York, and more than once it has been helped by what can only be characterized as deliberate disregard of equity on the part of the stronger disputant. The present historian exhibits a perhaps not unnatural satisfaction in the circumstance that the Puritans of Massachusetts, though preëminent sticklers for integrity and just dealing, were far less scrupulous than the comparatively unregenerate people of New-York in their land transactions with the natives, and in their general treatment of the latter. In truth, it must be said that the Pilgrim Fathers were as worldly as their neighbors when it came to questions of the kind, and that none were more eager to acquire possession of land in particular.

The editor contributes the chapters on Henry Hudson's voyage and its results in trade and colonization, and on Peter Minuit and Walter Van Twiller, who ruled New-Netherland from 1626 to 1637. In beginning the direct history of the Dutch occupation, he pays a tribute to Irving in observing that since Diedrich Knickerbocker's veracious history appeared it has been difficult to treat this period with the proper seriousness. The comic view of the Dutch colony and its rulers has been so deeply implanted by Irving's genius that, whoever thinks of them, insensibly recalls the Knickerbocker account; and one result of this is to do injustice to those honest Dutchmen, who really were not the bibulous, indolent, tobacco-stupefied boors they have been caricatured as. General Wilson's sense of justice leads him to vindicate the people of New Netherland by impressing upon the reader that they were part and parcel of that Dutch nation which was then renowned throughout the world for its industry, its enterprise, its inventiveness, and its magnificent gallantry. The Dutch, he asserts, were the Yankees of the sixteenth century, and the English of that age were far behind them in material progress. Yet, while all this may be admitted, the fact remains that in the administration of their colonial affairs the New Netherland people do not appear to have manifested much energy or foresight. Take the case of the Fort, which they could not be persuaded either to finish or to keep up. Yet it must have been clear to most of them that their security, that even their tenure of Manhattan Island, might and quite probably would depend upon their ability to defend themselves.

A chapter is given to the administration of William Kieft, and another to that of Peter Stuyvesant, who has, perhaps, suffered more than any of his compatriots from Washington Irving's humorous travesty. Stuyvesant was a strong and honest governor, choleric, no doubt, but conscientious, a hard worker, and one who did much to improve New-York. When the time came for the surrender of his charge, he was tempted to make a fight, but more prudent counsels prevailed, and the transfer to English rule was effected without trouble of any kind. When New Amsterdam had become New-York, and Richard Nicolls was the first English governor, there was a period of quiet and steady progress, and an incident during this period

shows that infant New-York was in at least one respect more advanced than her neighbor Massachusetts. There was a trial on a charge of witchcraft, and the accused was acquitted. It can hardly be believed that the same result would have occurred in Boston at the time. In liberality of sentiment, especially regarding religion, New-York was notably advanced, both under Dutch and English rule, and many victims of New England bigotry found shelter and welcome on the island of Manhattan.

The Memorial History account of the administration of Sir Edmund Andros (1674–1682) presents that governor in a far better light than he occupies in most of the earlier histories. In his measures for the health and order of New-York, and his arrangements for dealing with the Indians, he was in advance of his age. He was also prepared to give the people of New-York representative institutions — which, however, the king refused to allow. Respecting the charges of tyranny and oppression preferred against Andros, the history says: "The charges of tyranny which the Dutch and the dishonest English traders whose peculations he had exposed and circumvented zealously circulated, even to the foot of the throne itself, will not compare either for harshness or intolerance with the acts of persecution previously practised by Director Stuyvesant against the Quakers and members of the Church of England both upon Manhattan and Long Islands; and yet, from the peculiar position in which Andros was placed, the least malignant of the epithets bestowed upon him was, most unjustly, that of 'the arbitrary and sycophantic tool of a despotic King'! The administration of Governor Andros, moreover, forms not only a distinct but a memorable epoch in the colonial history of the city of New-York. It is true that he failed in his efforts to place the currency of the colony on a healthier basis than it was under Dutch rule, but in nearly every other measure of reform he was entirely successful. He effected a complete reorganization of the militia; repaired the fort, and strengthened the defenses of the harbor; increased the trade of the province; beautified the city; largely augmented the revenue from the excise; and by a personal supervision of municipal affairs and an untiring industry gave such a tone to the political and social condition of the people that its effects were apparent for fully a century after the period of his incumbency."

That is certainly high praise; and, moreover, it appears to be deserved. But Governor Andros was not the only early ruler of New-York who has suffered from harsh and prejudiced judgment. One of the most interesting chapters in the present volume is that on the period of the Leisler troubles (1688–1692). The view taken by the editor and his contributor is strongly favorable to Jacob Leisler, whose tragic fate was caused by the spirit of faction and class hatred. It has been common to represent him as a mere demagogue at the head of a mutinous rabble, and as such his enemies at the time undoubtedly regarded him. But the circumstances were most unfavorable to cool observation. The revolution which drove the last Stuart from the English throne had left the colonists in North America uncertain as to where authority lay. Boston was the first to revolt from the Stuart rule, to recognize William, and to overthrow the local government representing James. New-York followed more cautiously. There the James government desired to hold on, but the people would not have it so; and the train-bands, or militia, practically settled the matter by marching to the Fort, demanding the keys, and resolving that the government should alternate among the militia captains, each of whom should be supreme during his term of duty. Jacob Leisler was the senior captain, and so naturally came into this arrangement; and when, later, William's cautious, not to say ambiguous, letter arrived, its tenor certainly warranted the choice of Leisler as lieutenant-governor.

Had the new governor, Sloughter, reached New-York at the same time as Major Ingoldesby, there would have been no question of authority raised. But when Ingoldesby arrived first, and without credentials demanded the instant surrender of the Fort, Leisler was justified in refusing to comply with the demand. What led to the unjust

trial, and the still more unjust execution, of Leisler was the fury of the James government of New-York, which had been chafing for months over the disappointment of its hopes and expectations, and which found in the new governor a weak and pliable instrument of vengeance. The reversal of the colonial proceedings in this case by the English parliament, after a full and dispassionate investigation, should have put an end to all controversy in the premises, it might be thought; but the Leisler party was far less influential than the anti-Leislerites, and thus it happened that the memory of this victim of faction has never been completely cleared from the false imputation of demagogism. The elaborate presentation of the case in the Memorial History ought to determine it finally; for no unprejudiced person can read this statement without becoming convinced that Jacob Leisler died the death of a martyr.

Benjamin Fletcher appears here as a good governor, contrary to many previous opinions; but the editor never forgets that the early New-Yorkers were a turbulent, factious, censorious, and insubordinate folk, and that consequently it is necessary to receive their accounts of their rulers with a good deal of allowance. The old Dutch element was disposed to quarrel with every English governor, and the Dutch, English, and French merchants regarded and treated as enemies and oppressors all who would not let them do as they pleased, without any restriction, in matters of trade and taxation. It was in Fletcher's administration that the rise of piracy occurred, to make New-York picturesque, to fill the pockets of scores of her merchants, and to do no good to her morals. We see here the first act in the drama of Captain Kidd, "as he sailed," and Lord Bellomont, so mysteriously associated with the man who went out to suppress piracy by becoming a pirate himself. Fletcher seems really to have been innocent, but Bellomont, whose own innocence is disputed, persecuted him, and, being able to pack the Board of Investigation, succeeded in ruining his antagonist, who forthwith disappears from history. The two concluding chapters of this volume are occupied with the constitutional and legal history of New-York in the seventeenth century, and with an account of printing in New-York during the same period. The first-named chapter is an erudite judicial treatise which leaves little or nothing to be said on the subjects treated. The chapter on printing in the seventeenth century in New-York is illustrated by quite a profusion of fac-similes, mostly examples from the press of William Bradford, who held the post of royal printer in the city for upward of half a century. We have omitted to mention in its proper order the administration of Thomas Dongan, one of the most useful and beneficent in the line of royal governorships, and which is here illustrated by the full text of the charter granted to New-York by Dongan, together with fac-simile specimens of the original document.

The steel-engravings, which include portraits and scenes, are very good, and so are the woodcuts in the text, and the examples of old printing, book-titles, etc. In short, the Memorial History has been written and made mechanically in the most careful and thorough manner, and the first of its four volumes gives conclusive evidence that it is to be a monumental work, and standard.

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